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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

1° VICTORIÆ, 1837–8.

VOL. XLI.

COMPRISING THE PERIOD FROM

THE TWENTY-SECOND DAY OF FEBRUARY,

TO

THE TWENTY-EIGTH DAY OF MARCH, 1838.

Third Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; BOOKER AND DOLMAN; LONGMAN AND CO.;
J. M. RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY;
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J. BIGG; J. BOOTH.

1838.

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HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* THIRTEENTH PARLIAMENT *of the United Kingdom of* GREAT BRITAIN
and IRELAND, *appointed to meet at Westminster*, 15*th November*, 1837,
in the First Year of the Reign of Her Majesty

QUEEN VICTORIA.

Third Volume of the Session.

HOUSE OF COMMONS,

Wednesday, February 21, 1838.

MINUTES.] Petitions presented. By Mr. INGHAM, from South Shields, for a repeal of the duty on Marine Insurances.—By Mr. LONG, from Devizes, and several other places, by Mr. ORD, from Newcastle, and other places, by Lord C. FITZROY, from Bury, and other places, by Mr. BAINES, from Kirby Stephen, and Biddeford, and by Sir R. PHILIPS, from a congregation of Baptist Dissenters, for the abolition of Negro Apprenticeship.—By Sir E. SUGDEN, from the Rate-payers, and other Inhabitants of forty townships in the county of York, and by Mr. HALL, from St. Pancras, against extending the New Poor-law to them.—By Lord G. LENNOX, from the proprietors of Salmon Fisheries on the Dee and Don, against the Salmon Fisheries Bill.—By Mr. WAKLEY, from Medical Practitioners of Bradford (Yorkshire), for improvement in Medical Law; from owners of Tenements in Guisborough, against the Rating of Tenements Bill; and from a Meeting held in Finsbury, against coercing Canada.—By Mr. R. CURRIE, from the Northampton Working Men's Association, and by Mr. COLLIER, from Plymouth, for the repeal of the New Poor-law Amendment Act.—By Mr. T. DUNCOMBE, from the Vestry and Board of Guardians of the Union of Berry, in the West Riding of Yorkshire, complaining of aspersions thrown on the Guardians of that and other Unions in the third Report of the Poor-law Commissioners.——By Mr. JENKINS, from Carpet and Rug Manufacturers, and by Mr. T. DUNCOMBE, from Fancy Paper Manufacturers, in favour of the Patterns and Inventions Bill.—By Mr. WAKLEY, from the Brighton Registration and Patriotic Association, against the Rating of Tenements Bill.—By Mr. HALL, from Marylebone, for Universal Suffrage, and Vote by Ballot.

HOUSE OF LORDS,

Thursday, February 22, 1838.

MINUTES.] Petitions presented. By the Earl of SHAFTESBURY, from a body of Clergy, by the Earl of BRECKNOCK, from the Chancellor and Masters of the University of Cambridge, by the Bishop of LONDON, from bodies of Clergy in his Diocese, by the Duke of WELLINGTON, from the University of Oxford, and by the Earl of Ripon, from the Isle of Man, against the annexation of the Bishopric of Sodor and Man to that of Carlisle.—By Lord ASHBURTON, two in favour of a reduction of the Rates of Postage.—By Lord DENMAN, from Nottingham, by Lord BROUGHAM, from the city of Bath, Biddeford, Crediton, Wilts, Haverfordwest, Bradford, South Petherton, Dungannon, Wycombrake, Peddington, and several other places, for the abolition of Negro Apprenticeship; from Tiverton, for an extension of the Suffrage; from St. Mark's, Dublin, five petitions for the abolition of Tithes, Municipal Reform, extension of the Suffrage, Vote by Ballot, and an Equitable Assessment for the support of the Irish Poor; from Paisley, for the repeal of the Corn-laws; and from Cupar, against any further advance of Public Money for Church Endowments in Scotland.

LEEWARD ISLANDS.] Lord *Brougham*, as his noble Friend the Secretary for the Colonies was present, requested an answer to the question which he had put on a former evening, respecting the proclamation issued by Sir W. Colebrooke, Governor of Antigua, calling on the freeholders of the respective islands under his government to assemble, and to select five individuals for each island, who should meet together at St. John's, Antigua, for the purpose of taking into consideration, and framing laws and ordinances for all the Caribbee Islands. This proceeding was resorted to under the alleged authority of two acts of the Colonial Assembly, the one passed in 1694, the other in the reign of Queen Anne, in 1705, which, it was asserted, invested the Governor with due authority to take that step. He believed, however, that this power was now exercised for the first time, and the acts referred to were supposed to have, become obsolete. Was that course adopted in conformity with instructions sent out by Government, and if not was there any objection, if a correspondence had taken place on the subject, to laying it before the House?

Lord *Glenelg* said, that last year, Sir W. Colebrooke, the Governor of the Leeward Islands, had expressed his opinion, that it would be advisable to form a general legislative assembly for the Leeward Islands, especially as there were two Acts of 1694, and 1705, under which an assembly of that description might be called together; and as, in 1798, an assembly had been summoned, under the Act of 1705, for the purpose of considering laws with respect to the condition of the slaves, he on application being made to the Colonial-office, stated it to be his opinion that such a plan would be advantageous; but he directed the Governor, in the first place, to satisfy himself whether such a plan could be legally carried into effect, and whether it would be expedient to submit to such an assembly various questions of great magnitude which might affect particular islands. In answer to that suggestion, the governor stated, that he had taken the opinion of the law officers on the subject, and they held, that the proceeding would be perfectly legal, and that he was convinced that it would be a most advisable measure. In consequence, on the 21st of December, Sir W. Colebrooke, sent his proclamation to the different islands, preparatory to the formation of the projected assembly. But, as the legislature and council of Antigua refused to act, and put their negative on the proposition, there was an end of the proceeding. Up to this moment, the council and assembly having refused to act, the plan had not been carried into effect.

SEE OF SODOR AND MAN.] The Earl of *Ripon*, in moving the Order of the Day for the second reading of this Bill, was happy to state, that in consequence of communications which had taken place between the Ecclesiastical Commissioners and the authorities of the Isle of Man, the former had come to the determination to recommend not the union of the bishoprick with that of Carlisle, but its continuance as a separate see. He rejoiced at the determination adopted by the Commissioners, because it was right and just in itself—because it was agreeable to the general prevailing opinion throughout the country, and particularly among the clergy—and, above all, because it was unquestionably in conformity with the decided and deliberately expressed opinion of the people at large in the Isle of Man. There was one circumstance, however, which, in a certain degree, diminished the gratification he felt at the success of the Bill now before their Lordships, and that was, that, since its introduction, that excellent man, the late Bishop of the island, had ceased to exist. Their Lordships were aware of the zeal with which he pursued the object sought to be attained by the present Bill, and nothing could have given him greater satisfaction in his last moments than the certainty that the object he had so much at heart was about to be accomplished. When he last had the opportunity of addressing their Lordships on the provisions of the present Bill, he had stated what that rev. individual had done in the discharge of his duties for the promotion of religious education in the island in which he held his bishoprick. He then stated, that that right rev. person's exertions had not been confined to mere zeal and activity; but that he had contributed, from his own pecuniary resources, a sum not less than 1,200*l.*, to be applied to the diffusion of religious education. From information he had since received, he was led to believe, that he should be under the mark if he were to say, that the sum so appropriated exceeded 2,000*l.* It was a fact worth mentioning to their Lordships, that, after holding the bishoprick for ten years, he died poorer than he was at the time the bishoprick was first bestowed on him; and the very last document he signed was one making himself responsible for a subscription, having for its object the augmentation of the incomes of the poorer clergy. When he performed this act he was on the point of death—an event which he knew would remove his family from a state of comfort and affluence to comparative obscurity; but he felt that the duty which he owed his flock was superior even to that he owed his family. The noble Earl concluded by moving the second reading of the Bill.

The Archbishop of *Canterbury* had great pleasure in adding his testimony to all that the noble Lord who had just sat down had said, in favour of the piety, the zeal, the activity, in the management of his diocese of the deceased individual, and above all to his attention to the interests of education. If he was to attempt to specify his contributions, he was quite sure that they would certainly exceed those of his predecessors. Some days ago, he (the Archbishop of Canterbury) stated, that he had had a communication from the island, informing him that proceedings were going on which might lead to a satisfactory adjustment of the question. He had since received a communication from the council and legislature, stating their desire of retaining a bishop, which they felt, perhaps, the more strongly from their regard to the memory of the late prelate. They had proposed a commutation of tithes, which would enable them to effect the purposes they had in view with respect to certain alterations in the distribution of tithes between the bishop and clergy of the island. They would undoubtedly reduce the bishopric in value; but the arrangement would leave a very competent income to the bishop, and a competent maintenance for the clergy. To the general object of the commission it was indifferent whether the bishopric was retained or not, there was no part of the kingdom to be affected by it but the island alone; and there the eighteen parishes would have the superintendence of their bishop, who would, according to their ancient constitution, continue to take part in the proceedings of their legislature. But it was of the utmost importance that a better distribution of dioceses should be effected; and if the measures of the commission for that purpose should be infringed upon, their labours would be comparatively useless. He certainly should feel himself bound to resist any alteration in the bill which was passed two Sessions ago that might interfere with its general principles; but as he did not think this bill could have that effect, he should certainly support it to the utmost.

The Bishop of *Exeter* said, that he only rose to say one word with respect to the observation with which the most rev. Prelate had concluded. The most rev. Prelate had stated, that he should resist, to the utmost of his power, any attempt to make an alteration in the act passed two Sessions ago. Upon the present occasion it was not his intention to suggest any change; but there was one part of that statute which he considered most unconstitutional—most destructive to the best interests of the Church—most dangerous to the spiritual interests of the Church—and which he was most anxious to see repealed. He meant that part which related to the constitution of the commission. That, and the permanency of the commission, he should ever deplore as pregnant with consequences fatal to the security and dignity of the Church of England. He, therefore, trusted that the time would come when that provision would be removed from the statute-book, and that it would be as soon as the matters which had been recommended by the commissioners had been carried into effect.

The Bishop of *London* said, that he had no right to complain that the right rev. Prelate had taken the present opportunity to express his sentiments; but he thought, he and the rest of the Commissioners had a right to complain of the gross, and he must say, obvious, misrepresentations made respecting the conduct of the Commissioners. The constitution of the commission the right rev. Prelate had stated to be dangerous to the welfare of the Established Church. It further had been said, by people who ought to have known better, that the commission formed a legislative body for the Church. But this was not the fact. By the act by which they were constituted, the Commissioners could not step beyond the line marked out for them. For the Commissioners, constituted as they were, to originate any measures affecting the Established Church would be impossible; all they could do was to carry into effect that which their Lordships had determined to be law. They were to devise some better distribution of the territories and revenues of the sees, and, therefore, it was utterly impossible that they could originate any measure affecting the Church. In fact, they were only competent to act ministerially to carry into effect that which the wisdom of Parliament had determined should be the law.

The Bishop of *Exeter*, in explanation, said, he thought the power conferred upon the Commissioners was most uncalled for by the circumstances of the case. He believed it to be one of the greatest blows that had ever been aimed at the independence of the Church.

Viscount *Melbourne* said, that with respect to the subject of the present discussion, it was natural for the Commissioners to recommend, when the population was so small as that of Sodor and Man, that the bishopric should be no longer allowed; since that recommendation, however, reasons had been shown sufficient to stay that determination, and he himself saw only one objection to forego it entirely, which was, that it would break in upon what had been settled by the act of Parliament, and he thought, that in matters so great and so important as the distribution of the dioceses of the country, it was desirable for the settlement to be final, and to remain for ever undisturbed if possible. In the present instance, however, there were objections, local objections, (although, on the whole, the settlement was better, and it would be right, therefore, to maintain it as far as possible) but, in this case, on account of these objections, he concurred in what had been stated by the most rev. Prelates, though, at the same time, he must deprecate this being considered as a precedent for further alterations and changes, and as giving an impolitic countenance to any other variations from the settlement already made.

Bill read a second time, and ordered to be committed.

HOUSE OF COMMONS,

Thursday, February 22, 1838.

MINUTES.] Petitions presented. By Lord JERMYN, from forty Clergymen of the Established Church, by Mr. DUGDALE, Mr. WILSON PATTEN, and by Sir R. INGLIS, from Shrewsbury, and other places, against the abolition of the See of Sodor and Man.—By Mr. HANDLEY, from the Postmasters on the great northern road, praying for a reduction of the Post-horse duty.—By Mr. GRIMSDITCH, from Macclesfield, by Mr. TURNER, by Lord F. EGERTON, and by Mr. EGERTON, from Cheshire, against the New Poor-law.—By Sir G. STRICKLAND, from Bradford, by Mr. G. WOOD, by Mr. ALSTON, by Mr. W. A. WILLIAMS, from various places, and by Lord SANDON, from Liverpool, for the abolition of Negro Apprenticeship.—By Mr. M. J. O'CONNELL, from places in Kerry, against several clauses of the Irish Poor-law Bill.—By Mr. ELLICE, from places in Fifeshire, against any further grant of money to the Church of Scotland.—By Mr. WILBERFORCE, from Hull for a reduction of the duty on Marine Insurances.

MR. D'ARCY TALBOT.] Mr. *Mackinnon* rose to bring forward the motion of which he had given notice relative to the claims of Mr. D'Arcy Talbot on the French Compensation Fund. This was by no means a question of a political nature, and the only object he had in view in bringing it forward was to obtain justice for the individual in question. As several hon. Members now present were not in the House when he brought the subject forward last Session, he should endeavour, in a few words, to state the claims which Mr. D'Arcy Talbot had put upon the consideration of the House. In 1793, the French Government had confiscated all the British property in France, and in 1815, in pursuance of a treaty, it was stipulated that the claims of British subjects which could be substantiated, should be compensated. For that purpose a certain number of commissioners were named in Paris and London, to take the matter into consideration, and at a subsequent period it was deemed advisable that a sum of money should be granted for the purpose of liquidating these claims. In consequence of circumstances, which it was unnecessary now to refer to, Mr. Talbot was unable to bring forward evidence in support of his claims before the commissioners. At a subsequent period, another board of commissioners was appointed to take into consideration all the claims which, upon technical objections, had not been considered by the former board. To these commissioners Mr. Talbot applied, and he was told they would not take his claim into consideration, unless he signed an agreement to the effect that he would be satisfied with their award. At first he declined acceding to this proposal, but being driven by the exigencies of the case, he was obliged to accede to their demands, and sign the paper. When they got his signature they pretended to take his case into consideration, and paid to Mr. Talbot, not the principal of the amount to which he was entitled, but simply the interest. Now, he (Mr. Mackinnon) would submit to the House, that if Mr. Talbot was entitled to the interest of the demand, he was to the principal also; and he hoped the Chancellor of the Exchequer would allow it to go before a Committee of the House. Independent of these considerations, he begged to recal to the attention of the House, that the right hon. Gentleman, when in Opposition, entertained the opinion which he now held, and distinctly gave to the House his advice, that the claims should be admitted. The claims of Mr. Talbot were rejected on mere technical grounds. The commissioners said they could not entertain them, because his application was made too late. That would have been a very good answer to the claims had there been none of the money received from the French Government remaining unappropriated. But there was a sum of between 200,000*l.* and 300,000*l.* in the hands of the Treasury, which, if the House did not interfere, would be appropriated in some other way. [" Hear, hear!" from the *Chancellor of the Exchequer.*] He was glad to hear the cheer of the right hon. Gentleman, and he trusted that it was an augury that he would grant the Committee which he sought. As this was the last time this subject would be brought before the House by him, it was his intention to take the sense of the House upon the motion he should make. What would be thought of a private individual in whose hands a sum of money had been placed for the purpose of paying off certain debts, if that individual pleaded the statute of limitations as a bar to claim, and afterwards pocketed the money? Such, however, had been the conduct of the Government, because there were between 200,000*l.* and 300,000*l.* of that sum remaining unappropriated. He hoped the Chancellor of the Exchequer would allow this claim to come under the consideration of a Committee of the House, because, in point of justice, and in point of honourable feeling towards those who had been unjustly deprived of their rights, it was such a claim as the House ought to entertain. The hon. Member then moved, that a Select Committee be appointed for the purpose of taking into consideration the claims of Mr. D'Arcy Talbot on the French Compensation Fund.

The *Chancellor of the Exchequer* said, that he had to set the House right upon some points in respect to which the hon. Gentleman opposite was incorrect or had been misinformed. He must, however, first remark, that although it was stated that this claim was now urged, for the last time, he felt some apprehension that even if the hon. Member should be persuaded by him to abandon his motion, or if he should be overpowered by the decision of the House, the case of Mr. D'Arcy Talbot would still re-appear year after year, would be urged with the same arguments as now, would receive the same reply, and meet with the same decision. But the hon. Gentleman opposite was entirely in error with respect to the main point upon which he relied. The hon. Member had informed the House that there was a balance of between 200,000*l.* and 300,000*l.* of the funds to meet these claims still remaining unappropriated, and which might be carried by the Treasury to its own use, if it so thought fit. Now, this was the very contrary of the facts of the case: there was not a single farthing of that sum either in the hands of the Treasury, or which could be appropriated by the Treasury. Last year the hon. Member had said the balance was in the hands of the Woods and Forests; but he assured the hon. Member and the House that it was neither in the hands of the Treasury nor the Woods and Forests. In fact no such balance existed. To both these suggestions it was in his power to give the most complete contradiction. The Mover may have been misled by a former state of facts. There had been a balance of the French indemnity fund applied to the building of the Royal Palace—an appropriation which, during the administration of the Earl of Liverpool, the Treasury had by law the power to make. That appropriation had, however, been afterwards held to be objectionable, and that balance was repaid with interest by the Woods and Forests, and under the sanction of the Government of the Duke of Wellington, and afterwards of Lord Spencer, it was appropriated by a judicial commission appointed for the purpose of investigating and judicially to determine these claims, and the manner in which the fund should be disposed of. The Treasury minute to that effect of the Duke of Wellington was followed and acquiesced in by Lord Spencer, and after the money had been repaid by the Woods and Forests a new commission was appointed, and parties who had only an equitable, and not a strict legal, claim were admitted before this tribunal, which was in the nature of a board of reference, to make an award upon the claims of those parties. In order to facilitate the adjudication, two lawyers of great eminence were appointed, together with a mercantile gentleman of the first respectability and conversant with accounts, and it was directed by the Treasury that all the parties before they went before the tribunal, so constituted, should take the same course which was followed by every man on submitting to a reference, namely, that they should sign a deed of submission to abide by the award. Against that course no complaint was made by the claimants, and every one of them, Mr. D'Arcy Talbot included, signed the instrument of submission, which he would now read: "I hereby undertake to abide by any decision of the commissioners appointed by the Treasury minute of the 15th of March, 1833, and to consider such decision as final and conclusive." Now, this undertaking had been signed by Mr. D'Arcy Talbot; and if this circumstance had been originally communicated by Mr. Talbot to the hon. Member opposite, he thought he had understood that hon. Gentleman to have stated that his motion would not have been brought forward last year. Why, then, should it be brought forward now? That fact had been kept back, because the claimant must have felt that no hon. Member would undertake to controvert so conclusive an answer to a motion for a Committee of Inquiry, but that all must admit that the declaration was a bar to the claim. With regard to the funds yet unappropriated, there were still claimants to whom the objection he had urged against Mr. D'Arcy Talbot did not apply, and their claims were sufficient to absorb the whole of these funds; he was sure the House would not consent that those funds should be diminished by the admission of a claim which had already been negatived. On these grounds he trusted, if the hon. Member did not withdraw his motion, that the House would feel no difficulty in meeting it with a negative.

Mr. *Praed* said, that the right hon. Gentleman, the Chancellor of the Exchequer, had offered no explanation of the extraordinary decision of the commissioners, that Mr. D'Arcy Talbot was entitled to the interest upon the amount of his claim, but not the principal. The money had been paid by the French Government to meet these claims, and, when the party now before the House had been first heard, it was under circumstances which made it impossible for him to bring forward that evidence upon which he now relied. He admitted that with regard to the second inquiry into Mr. D'Arcy Talbot's claim, the right hon. Gentleman opposite had given a strong answer to the motion, if the commissioners had authority to require the deed of submission. He should like to know under what circumstances that deed had been signed. If it was an agreement which the commissioners had no authority to demand, he should be inclined to support the present motion.

The *Chancellor of the Exchequer* replied, that the agreement was not confined to the petitioner now before the House, but was required to be signed by every one of the claimants; and with regard to the authority of the commissioners in that respect, it was expressly given to them by the Treasury Minister.

The House divided:—Ayes 52; Noes 101: Majority 49.

List of the AYES.

Alsager, Captain
Archbold, R.
Bagge, W.
Barry, G. S.
Bateman, J.
Bellew, R. M.
Bodkin, J. J.
Borthwick, P.
Broadwood, H.
Brodie, W. B.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Butler, hon. Colonel
Conolly, E.
Darby, G.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, hon. W.
Ellis, J.
Fort, J.
Gore, O. J. R.
Grattan, J.
Hayes, Sir E.
Jackson, Sergeant
Law, hon. C. E.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Maher, J.
Maxwell, H.
Neeld, J.
O'Brien, W. S.
O'Connell, D.
Palmer, G.
Plumptre, J. P.
Power, J.
Praed, W. M.
Round, C. G.
Round, J.
Shaw, right hon. F.
Smith, A.
Vigors, N. A.
Walker, C. A.
Warburton, H.
White, S.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Mackinnon, W.
O'Connell, M. J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Bailey, J., jun.
Baines, E.
Baring, H. B.
Barnard, E. G.
Barrington, Viscount
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blake, W. J.
Blennerhassett, A.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Buller, Sir J. Y.
Busfield, W.
Byng, rt. hon. G.
Carnac, Sir J. R.

Cavendish, hon. C.
Chetwynd, Major
Collier, J.
Dalmeny, Lord
Dalrymple, Sir A.
Davies, Colonel
Dick, Q.
Divett, E.
Dowdeswell, W.
Duckworth, S.
Duke, Sir J.
Duncombe, hon. A.
Dundas, C. W. D.
Dundas, hon. J. C.
Dundas, hon. T.
Egerton, W. T.
Evans, Colonel
Farnham, E. B.
Fazakerley, J. N.
Fergusson, rt. hon. C.
Gaskell, James Milnes
Goddard, A.
Goring, H. D.
Goulburn, rt. hon. H.
Grimsditch, T.
Handley, H.
Hawkins, J. H.
Hayter, W. G.
Heathcote, J.
Hinde, J.
Hodgson, R.
Horsman, E.
Howick, Viscount
Hughes, W. B.
Humphery, J.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
James, W.
Johnstone, H.
Johnson, General
Jones, J.
Labouchere, rt. hn. H.
Lennox, Lord G.
Lister, E. C.
Lygon, hon. General
Morpeth, Visct.
O'Ferral, R. M.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Pattison, J.
Peel, right hon. Sir R.
Poulter, J. S.
Price, Sir R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Russell, Lord J.
Smith, R. V.
Somers, J. P.
Stanley, E. J.
Stanley, W. O.
Strickland, Sir G.
Surrey, Earl of
Tancred, H. W.
Thompson, Alderman
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Tyrrel, Sir J. T.
Vere, Sir C. B.
Verney, Sir H.
Vivian, J. H.
Vivian, Sir R. H.
Wall, C. B.
White, A.
Williams, W. A.
Wilshere, W.

TELLERS.
Steuart, R.
Wood, C.

Salmon Fisheries (Ireland).] Colonel *Conolly* rose to move for leave to bring in a Bill for the protection of the Salmon Fisheries in Ireland: it had been adopted by the unanimous advice and suggestion of the farmers and proprietors of the fisheries, who had met in Dublin on the subject, and who deplored the insufficient protection furnished by the present system. This insufficiency arose from the 17th clause of the Act 4 George 4th, which prohibited the interference of the police in all matters relating to the fisheries. The object of his Bill was to enable the police to take into custody all the persons who were fined for offences against the fisheries, and to detain them in custody till the fines were paid. He believed he did not mistake the law when he said, that in England and in Scotland no man was released from custody till his fine was paid. The object of the second clause was to prevent the destruction of the mouths of the rivers before they came within the boundaries of the several properties enjoying the right of fishing by charter or otherwise. The benefit which would result from this change was manifest, for it was well known that many depredations were committed on the north and west coasts of Ireland, and that various injuries had been inflicted on the property there. Individually, as he was, largely concerned in fisheries which had been injured to a great extent, he was much interested in the fate of the Bill, of which he trusted that he had sufficiently established the necessity to obtain the leave of the House for its introduction.

Viscount *Morpeth* would not offer any opposition to the motion. Some legislation was required for the Scotch fisheries, and it was but reasonable that the Irish salmon fisheries should receive equal consideration. He was glad to perceive, that the hon. Member did not propose to repeal the provision which prevented the police from acting as gamekeepers or fishkeepers, or servants to the proprietors, and that it only provided, that offenders should be kept in custody after conviction. The whole question of maritime aggression was a subject of considerable difficulty: he would not then pronounce an opinion upon it, but the question might be brought under the consideration of the House when the Bill was in Committee, and he should be happy to hear what was the opinion of the House and of the country upon it.

Mr. *W. Roche* thought, that this was a most important measure for Ireland, and he was glad that it had been brought forward by the hon. Member.

Mr. *O'Connell* had been instructed by his constituents to watch only one part of the measure, that part which affected the manufacturing interests of Dublin, connected especially with the banks of the Liffey. With this exception he supported the Bill.

The *Chancellor of the Exchequer* would throw no difficulty in the way of the hon. Member, and he was exceedingly glad to find the subject brought forward. Not only was it necessary to remedy some of the evils at the upper part of the rivers, but also the destruction at their mouths. Like the hon. Member he was personally interested in the question, and as valuable evidence on the subject had been collected by the Committee which had sat upon the subject, he would suggest the propriety of referring that Bill to a private Committee. The question for the House was, how they could ensure for the public the largest supply of fish.

Leave given.

The Baron De Bode.] Mr. *Warburton* rose to call the attention of the House to the case of the Baron de Bode. A Committee of the House was appointed in 1834 to take the case of the claimant into consideration, but as it was necessary to send to France for further evidence, the session terminated before the inquiry was completed. The Committee consequently were not enabled to make any report, but they laid the evidence which they had taken before the House, accompanied by a recommendation that the Committee should be revived early in the next session. That recommendation, however, had never been acted upon, and it was his intention to move that a Select Committee be appointed for the purpose of reconsidering this question. In consequence of the recommendation of the Committee, a sum had been expended by the unfortunate claimant of not much less than 3,000*l.* in supplying defects in the evidence originally laid before that tribunal, and the question was, whether the House would not think it proper, after this expense had been incurred in compliance with its own directions, to reappoint a Committee to proceed with the inquiry, and afterwards pronounce an opinion upon the whole case. The Baron de Bode was the son of a German nobleman, who was the commander of a regiment of cavalry in the service of France, and who in the year 1777 married a Staffordshire lady. Their eldest son, the present claimant, was born in England, and was a British subject. In 1786 his father invested the greater part of the fortune which he received with the English lady whom he married, in a male fief in Alsace, held under the Elector of Cologne. The Elector could present to these fiefs, but he could not possess them himself. In the year 1648 a surrender was made to France of Alsace, on condition that France should have the superiority, but that all the different feudal tenures which existed under the German dominion should remain as they stood before the surrender. In case of the failure of male descent, the fiefs escheated to the Elector of Cologne, as seigneur suzerain, and he was to exercise his privilege of presenting persons to those fiefs. This was the nature of the property which the father of the present claimant obtained in Alsace in the year 1786. Shortly afterwards the troubles of the French revolution broke out. In 1791 the father of the present Baron de Bode, in consequence of the decrees of the French Convention abolishing feudal tenures, did what many proprietors of France did at that time—he endeavoured to evade the effect of the decrees of the Convention by making a deed of gift to his next male heir. This cession was made in the presence of a number of the vassals in the baronial court, in the most formal manner in which such a cession could be made, and the particulars of the surrender might be found in the reports of the Commissioners of Awards in Liquidation of French Claims, which were laid before the Committee of which Mr. Hill was chairman. In the year 1793 the Baron de Bode's father, in consequence of the troubled state of Alsace, thought it necessary to emigrate with all his family. Now, according to the decrees of the Convention, at that time a change of domicile was evidence on which confiscation took place. For this purpose nothing more was necessary than to prove that the proprietor had quitted his ordinary domicile. That fact established, his property was immediately confiscated to the use of the state. The baron's father died in Russia in the year 1797; and the present claimant became by that circumstance the head of the family. He held the command of a Russian regiment at the period when the Allied forces assembled at Paris in 1815. A convention was about that period entered into by the English and French Governments for the benefit of all British subjects whose property had been unduly confiscated in France after the 1st of January, 1793. Under this convention it was directed that the claims of all British subjects for property so confiscated should be proved before the 20th of February; and on the 9th of that same month of February the baron sent in his claim to the Duke de Richelieu, then the head of the Department of Foreign Affairs in France, through the Russian Ambassador, Count Pozzo di Borgo. The convention had not specified to whom the proof of the claim should be sent in. It was quite true that the baron's specification of his claim did not reach the Commissioners until the 22d of February. But it was not necessary now to raise the debated question whether it was sent in in time or not because a case had been some years ago drawn up and submitted to the Judge Advocate, Sir Christopher Robinson, and to the then Attorney-General, upon which they decided that, giving a liberal construction to the terms of the convention, as the baron's claim had been delivered into the hands of the French Minister for Foreign Affairs before the expiration of the term prescribed, he ought fairly to be considered as having complied with the terms of the convention. The result of this opinion was, that the Commissioners acted with reference to the claim as though it had been put in in due time. Another Convention subsequently took place in the year 1818, the result of which was the establishment of a board of Commissioners, composed exclusively of British subjects, whose functions were authorised by act of Parliament, and a sum amounting to 6,500,000f. was placed at their disposal. The first question raised before this board of Commissioners with reference to the baron's claim was, whether he was properly speaking a British subject or not. The Duke de Richelieu, who raised this question, contended under the Roman law, as interpreted by modern civilians, that the Baron's father only could be considered a British subject, and the Baron himself must be considered a subject of France. Another question was raised, whether Alsace formed part of the French dominions before the year 1793. It was, however, finally determined that the Baron's claims should be considered capable of adjudication by the British Board of Commissioners. It was not, however, until the 3rd of July, 1821, that the Baron received any official communication from the Commissioners upon the subject of fixing a period for bringing forward the evidence in support of his claim; nor was it until the 23rd of August in the same year that he received any regular communication from the Commissioners as to the nature of the proofs which would be required. The claim having been at last taken into consideration, after some preliminary discussion, the Commissioners laid down the principle that no proof would avail before them unless it established that the confiscation was of British property, and that it was expressly confiscated as such. Now, no decision could be more unjust than this. For a very large number of the claims which were covered by the terms of the Convention were shut out by this decision; it not having been until the 10th of October, 1793, that any confiscation took place of British property, expressly as such. According, therefore, to this interpretation of the Commissioners, if any property were confiscated between the 1st of January, 1793, and the 10th of October in that year, the complainant could have no relief. The principle upon which the Privy Council had uniformly acted, was, that if any property were proved to have been confiscated after the 1st of January, 1793, that such property belonged to a British subject, and that it was taken possession of by the French Government, the claim for such property should be held good. A case, perfectly in point, was that of Fanning, or Devereux. In this case, the parties had purchased property in France, had abandoned it, and emigrated from that country in 1793. The Commissioners decided that the property was not confiscated, expressly on the ground of the property belonging to a British subject. But upon appeal before the Privy Council, it was contended that the confiscation took place in consequence of the party having emigrated; and the award of the Commissioners was overruled by the Privy Council. A communication subsequently took place between the Baron's agent, Mr. Basset, and the Commissioners, in which the agent was informed, that "if it could be clearly proved that the Baron's property was confiscated as having been that of a British subject, his claim might, under certain circumstances, be taken into consideration." The Baron was reduced to extreme penury by the expenses attendant on the prosecution of his claim, and at last got some person to advance him money upon the liberal terms that 5 per cent. should be paid to the party out of the whole sum which the Baron might subsequently recover. A short time before the Commissioners signed their ultimate award against the Baron's claim, an individual named Richmond entered into a clandestine communication with them, the consequence of which was, that the Commissioners acted upon certain information so clandestinely conveyed to them, and included it in their award, reciting in that award a deed, the existence of which was intimated to them by this Mr. Richmond, but of which circumstance they gave no notification whatever to the Baron. Now, how exceedingly unjust was this! The Baron was deprived of all opportunity of rebutting any portion of this evidence which might make against his claim. But, what was still more incredible, there was a passage in the deed which was recited at length, although it was formerly excepted in the deed itself, with his signature to that effect. The award quoted this excepted passage, as if it had been contained in the actual deed, and as if the Baron had attached his signature to it. It was really difficult to find language to characterise such a proceeding. Here they had had the official copy of the deed laid before them, and the signature of the Baron and the witnesses recited at full length in the excepted passage. The award was made on the 26th of April, and in July, 1823, the Baron appealed to the Privy Council, but was unable, owing to the strictness of the rules by which, under the Act of Parliament, the Privy Council was guided, to produce any additional proof beyond that upon which the award had been made. After signing the award, the Commissioners had extended the period beyond a year, upon the ground that the parties were searching for further proofs, and were likely to obtain them. No additional facility, however, was given by the Commissioners to the Baron to bring forward those proofs, as a document, a most extraordinary document, to which he was about to advert, would show. From the minutes taken before the Committee, the House would see that there were certain documents which the Committee had sent for, but could not obtain. They were three in number, but the person in whose custody the papers were, contended that they were private and not public documents, belonging to the official papers relating to those claims. All those papers had been sealed with the seal of the Commissioners, and amongst them were the three documents to which he referred. The chairman of the Committee, Mr. Hill, applied to Mr. Bale, who had the custody of the papers, when it was found that the seal of the Commissioners had been broken, and that those three documents had been taken out, because, as the parties were informed, they were private. They were delivered by Mr. Bale to the Chancellor of the Exchequer, who, upon being asked what became of them, stated that he had forwarded them to Sir W. Horne. Upon inquiry, however, it appeared that Sir W. Horne had them not; that they were, in fact, at the office of the Chancellor of the Exchequer, but that they could not be found. The answer given on the occasion was, that they might be there, and that search would be made for them. He thought he had very successfully traced them to the Chancellor of the Exchequer; and having been amongst the official papers of the Commissioners, they ought still to be considered official. One of the documents was without signature, but in the handwriting of one of the Commissioners' clerks, and the nature of it was this:—It was a minute of a memorial addressed by the Commissioners to the Privy Council after the award and before the Privy Council had given its judgment, stating that the Baron de Bode's claim, against which they had made an award of rejection, was one of great magnitude; that they understood the Baron could not procure a solicitor to prosecute his case; that they had been informed that he could not procure the necessary security for carrying it on; that he had appealed, and that therefore they begged their Lordships to appoint as early a day as possible for the hearing of the appeal. Now, he had very good reason to believe that that was the substance of one of those documents so taken away, and which was among the official papers appertaining to this claim, and bearing the seal of the Commissioners. He could, therefore, only say, that he considered it a tampering with justice. He might be asked, how was the Baron thereby injured? Why, thus: in many other cases, after the signing of the award by the Commissioners, a long interval had been allowed to the parties to procure additional evidence. If, therefore, they hurried on the decision of the Privy Council, it was quite clear that the Baron must be injured by losing the opportunity allowed to others for obtaining additional evidence. He knew that, under the Act of Parliament, there was a limited time; but then he could not inform the House of the date of those communications; and all he could say was, that they were amongst the official papers.

The *Chancellor of the Exchequer* begged to say, that he was not Chancellor of the Exchequer at the time, but that, nevertheless, the transaction referred to him, he being the Secretary to the Treasury. The statement of the hon. Gentleman would seem to apply to Lord Spencer, his predecessor, when, in point of fact, it applied to himself.

Mr. *Warburton* did not state any thing affecting the character of the Gentleman who did not produce the documents referred to; the answer given was most likely the fact—viz., that they could not be found. The Commissioners sent the award to the Privy Council, and the Privy Council confirmed it, but on totally different grounds from those upon which the award had been made. The Commissioners in their award expressed a doubt that the cession made by the Baron's father of his property in 1791 had taken place, while the Privy Council in their award admitted the fact, but drew this inference from it, that it was a collusive transaction between father and son, with a view to impose on the French Government. They, therefore, admitted the fact of the cession having been made, which the Commissioners disputed. The Privy Council having also rejected this unfortunate nobleman's claims, he again petitioned them to be heard in 1826, but they stated that under the act they had no power to re-open the case. In the same year, there were several petitions presented to that House on the subject. Petitions were also presented in 1827 by Mr. Littleton, in 1828 by Lord Stanley, upon which occasion a long debate ensued, during which the Baron's claims were supported by very high authorities; in 1833 by Mr. Hill, for a Committee, but without effect; and in 1834 by the same Gentleman, when he was successful. In 1835, Mr. Gisborne made a motion for a revival of the Committee, but unsuccessfully. Now it was said, that the award had been on the grounds upon which the Baron supported his claim; that claim rested upon the fourth additional article of the treaty of 1814, the only conditions to be found in which were, that the claimant must have been a subject of his Britannic Majesty, and that the property for which he sought value must have been unduly confiscated by France subsequent to the 1st of January, 1793. They then came to the Convention of 1815. In the fifth of the seven articles then made, relating to different descriptions of property, it was stated, that in order to determine the capital due upon immoveable property belonging to British subjects, their heirs or assigns, which had been confiscated, proof should be had that it was the property of a British subject at the time of confiscation, and that the person now claiming was a British subject. It was, therefore, important for the Baron, if he claimed under the cession made to him by his father, to prove that he himself had been the lawful possessor of the property at the time of confiscation. The article alluded to went on to show what should be the proofs, that the deed of purchase should be produced, &c., but that in default of the required proofs in writing, the Commissioners should, in consequence of the circumstances attending the revolution, receive such other proofs in lieu thereof as they might deem sufficient. Under the 5th article it was necessary that the Baron should prove, that the cession made by his father in 1791 actually did take place. Previous to bringing forward his claim, he submitted the case to the Commissioners, and acting upon their suggestions as to the required proofs, he described his claim as being a German male fief. That point had been adjudicated upon, and although he (Mr. Warburton) had no doubt that the cession did take place, yet inasmuch as that was the branch of the case to which the Commissioners had paid exclusive attention, and the only point adverted to before the Privy Council, he would advise the Baron not to lay so much stress upon it, as upon the other grounds upon which he founded his claim, and which had been altogether lost sight of both by the Commissioners and the Privy Council. The authorities of revolutionary France had assumed the power of doing away with the rights of this unfortunate nobleman, but from the documents in the possession of the Commissioners and from the evidence laid before the House, it must be as clear as proof could make it, that such invasion of his rights could not have been committed without an infraction of the treaty of Westphalia. The right to, and at one time the possession of, male fiefs in Alsace, did not depend upon any act of revolutionary France; unless the proceedings of the National Convention were held to be of sufficient authority to override the express stipulations of a treaty, the title of Baron de Bode could not be impeached. This principle was so fully recognised, that the French government undertook, that means for making pecuniary indemnity should be reserved as to all Alsatian estates. Now, this ground was never taken up on behalf of the Baron before the Commissioners. Here was an attempt to get municipal law to override a national compact, and this, as he previously said, was ground never taken up before the Commissioners. The Commissioners put the Baron and his advisers upon a false scent; they called on him to show, that as a British subject his property had been confiscated at a time when he had reason to expect to be required to show, that the property had belonged to his father, and that he had been deprived of it as an emigrant. Upon the various grounds, then, that he had stated, he took upon himself to say that the Baron de Bode had an undoubted right to a re-hearing before a competent tribunal — before a Committee of that House—the more especially as the last Committee which considered his case had recommended a re-hearing. If, however, the Government held out any prospect that before any legal, and, at the same time impartial, tribunal, the matter could get a fair hearing, he thought that the Baron would have no objection to go before any such tribunal, at least he (Mr. Warburton) should advise him not to reject such an offer. He should say, let the matter go before any judge of eminence. The Treasury had an absolute control over the surplus of that fund, and there could be no doubt that the Treasury could appoint a competent person, a man of legal mind, to investigate the whole case; and the Baron most probably would—and as it appeared to him, certainly ought to—enter previously into an undertaking to abide by that decision, whatever it might be. He was aware that the question might be asked, where is the money to come from? Many hon. Members present must recollect a gentleman of the name of Abbott, who had often been called before Committees to give his opinion on matters of complex accounts. That gentleman had gone over the accounts of the Commissioners, in which he found many unexplained and contradictory statements, and it was the opinion of that very eminent accountant, that a surplus of 500,000*l.* or 600,000*l.* more might be found than had yet been accounted for. After such an opinion, he ventured to affirm, that a full inquiry ought to take place by a party competent to examine all the entries, both in France and in this country. On a former occasion the Chancellor of the Exchequer endeavoured to raise up the ghosts of other claimants, in order to frighten away the Baron; but he hoped, notwithstanding the technical difficulties which at various times had been raised, it would yet be considered that there was a strong moral proof in his favour, and that he was entitled to justice. He considered the amount of the claim altogether foreign to the subject under consideration; but looking to the calculations which had been made by Mr. Finlaison, one of the highest authorities on such a point, he might state that the reversionary interest was computed at about 300,000*l.* But that was a matter of detail for future consideration, if the Baron de Bode should ultimately succeed in establishing his claim. For the present, he (Mr. Warburton) contented himself with moving that a Select Committee be appointed for the purpose of further inquiry into the claim of the Baron de Bode.

Mr. *Rich* rose to address the House with considerable diffidence, but he trusted the House would extend its indulgence towards one who addressed them for the first time. He was induced to take a part in the debate on this subject from the deep interest which he took in the question, but he had no connexion with the Commission whose conduct had been found fault with by the hon. Gentleman, nor had he any connexion whatever with Baron de Bode. Since the year 1833, 250 persons had proved their claims for compensation, and had not yet received the sums awarded them; and in addition to these, there were 530 other claims, some of which went back to 1820; and if the present motion were acceded to, all these would still be kept out of their just dues. He would not attempt to follow the hon. Gentleman through the long history of the case which he had detailed to the House. With a major part of it, he was inclined to agree as to the historical facts, subject, however, to one or two remarks, which he had to make. In the first place, with reference to the harshness with which the hon. Gentleman had said the Commissioners treated the Baron de Bode while prosecuting his claim, and the severe limitation with which it was asserted they had interpreted the confiscatory decrees, and which induced the agent of the Baron de Bode to throw up his case in despair, he would beg the hon. Member for Bridport to look again at the identical page he had quoted a passage from, where he would find it recorded that the very next day the agent had it explained to him, that the limitation stated by the Commissioners, was much wider than at first appeared to be the case, and that if he were prepared to show that the property was British, the Commissioners would be open to receive the documents in proof of it; but the agent would not receive the explanation, and threw up the case the same day. Another statement of the hon. Gentleman was refuted by the fact, that though the award of the Commissioners was made on the 1st of April, 1822, the appeal to the Privy Council was not made till fifteen months afterwards. He would now revert to the more general question, had or had not the Baron de Bode a right to a share of the indemnity? What were the brief facts of the case? The Baron de Bode claimed compensation in respect of an estate in Alsace, which was confiscated in the year 1793, and which he stated to have either belonged to himself personally at the time, or to have since become legally vested in him. The objections to the claim were, first, that the Baron was not such an Englishman as the convention contemplated; secondly, that he had never been in possession of the property; and thirdly, that the reversionary right which he set up had ceased to exist four years before the act under which he now claimed. The hon. Gentleman had passed rather glibly over the question of the nationality of the Baron de Bode. No doubt the Baron was born in this country, and of an English mother, but he was no further an Englishman. He was removed to France when quite a child, and had never fulfilled any of the duties of an Englishman. His father was a foreigner, a German or a Frenchman; in fact, a Frenchman by birth, a Frenchman by naturalisation, who bought property in France and lived on it. He was also high in the military service of France, and did not quit that country till the revolution, in consequence of which event he thought fit to emigrate in the year 1793, and, as an emigrant, his property was confiscated by the supreme authorities. He then proceeded to Russia, and subsequently died there. His son, the present Baron, entered the service of Russia, and continued in that country till 1816, when the first act he performed as an Englishman, was to claim, through the Russian ambassador, compensation for wrongs done him as an English subject, though it was a well-understood principle that none ought to enjoy the rights of citizenship who had not performed its duties. What was the Baron's own view of his nationality? Before he applied to this country for compensation as an English subject, the Baron had applied to the French compensation commissioners for compensation as a French emigrant. This claim he continued to prosecute, and, in 1831, he succeeded in obtaining an award from the French commissioners on this ground, not in his own favour solely, which would have borne out his assertion that he inherited the property under the feudal tenure, but on the contrary, the French commissioners gave their award not in his favour solely, but in favour of the existing representatives of the property in question. Was the Baron, then, to be allowed two strings to his bow? Was he to have compensation both as a French subject and an English subject? But the English Commissioners considered that the Baron did not fulfil that character of an Englishman which the convention contemplated, under which convention they were bound to distribute the indemnity given by France. The claim of the Baron here was supported by no particle of evidence whatever. There was, certainly, the evidence of a certain number of persons, who stated that they recollected the Baron de Bode's father ceding the property in question to his son; but such a vast property was not ordinarily passed away without something like documentary forms, and no documents of the sort were to be found either in the archives at Paris, or Strasburg, or any where else. But it was needless to dwell on this point, as it had been given up by the Baron de Bode's friends themselves. Then came the question as to the Baron's vested right. The National Assembly of France, in 1789, abolished all feudal rights and primogeniture, and the decree applied equally to Alsace. This fact the hon. Member had attempted to meet by quoting the treaty of Westphalia, which he rightly stated stipulated for the reservation of certain feudal rights held by the Alsatian nobility, but the last clause was a saving clause in assertion of the sovereign power of France over Alsace; and there was no meaning in ceding the sovereign power to France, if it did not give that sovereign power the right of making what laws it deemed proper for its subjects, and these laws it became the duty of the subjects to observe. Whether the decree of the National Assembly was a wise one was not the present question. It was clear that as regarded the subjects of France it was a legal one. It might have been an infringement of the treaty, but this was a question solely between the high contracting parties and not one for a subject to decide. Deputies from the Alsatian nobility were members of the National Assembly which decreed this law, and they probably felt no very great objection to a law which made the tenure of their estates more valid. Those only had a right to complain who, like the Elector of Cologne, thereby lost the chance of escheats. There was no possible reason why the Baron de Bode should be made a special exception to the operation of the decree, nor why he should call upon England to interfere in the case, who was in no way a party to the treaty of Westphalia. There was not the slightest pretence on which the Baron de Bode could found a claim for compensation except as a French emigrant, and as a French emigrant he had already demanded compensation at the hands of the French Commissioners, and had had it awarded to him. On these grounds he considered that the House could not with propriety grant the Committee. He wished to say nothing harsh of the unfortunate claimant. He could quite enter into the feelings which prompted the Baron de Bode to pursue this claim with a pertinacity approaching to monomania. There were English subjects who had had awards in their favour, and who had money owing to them from this fund, so far back as the year 1820; and it would be a very mistaken and exclusive sort of philanthropy in the House to do anything towards sanctioning the present most unfounded claim, to the prejudice of their own fellow-subjects. Indeed he believed that the refusal of this Committee would be a favour to Baron de Bode himself. It was stated that it had cost him no less than 2,000*l.* to prosecute his claim before the Commissioners in 1834, and it would be a doubtful act of kindness to expose him to a repetition of so large an outlay, besides the great loss which it would occasion to other unhappy claimants in the assertion of their rights. Nor would the matter stop here; for the assent of the House in the Baron de Bode's proposition would bring on many other claims founded on very narrow distinctions, such, for instance, as the Drummond case; and the House would become a House of appeal rather than a Legislative Assembly. On these grounds he trusted the House would put a decided and final negative upon the Baron de Bode's claim. In France he, doubtlessly, had claims, but in England not the shadow of one.

Mr. *Ward* considered the statement of the hon. Gentleman as unfair and partial; and he should support the Baron de Bode's claim, as a most just and long delayed demand upon a fund, the appropriation of which had not been satisfactorily made out, and required justification.

The *Chancellor of the Exchequer* said, that after the numerous discussions which had taken place on this question, it would not be necessary for him to trespass long on the attention of the House. There never was a more extraordinary case than the present, nor, he would add, a claim more unfounded in point of either law or justice. The claim was originally made in 1816, and was first admitted in 1819. The Baron de Bode was then called on to support it with evidence, but, not being prepared to do so, time was given him to collect the necessary proofs. The Commissioners even suggested the nature of the evidence which was required. What the Commissioners had done in order to afford facilities to Baron de Bode to perfect the evidence on which his case rested, and all the careful considerations that they had bestowed upon his case, was made by him a ground of complaint against the Commissioners, and a foundation upon which to rest a charge of bad faith against them. He had applied for additional time to put in evidence, which had been granted him, but he was certainly refused to be allowed to bring forward additional evidence at a time when to do so would have been at variance with all notions of law and practice. An award was given against him in May, 1822. He had, after failing in other respects, brought his case before the Privy Council, the highest tribunal of appeal in such causes known to this country, and that tribunal had decided against him. He certainly had applied to be allowed to bring forward additional evidence, and his application was refused; and this refusal, the Member for Sheffield characterised as injustice. Why, surely, no person conversant with the principles on which our judicature was founded, could attempt to deny that it would be, on the contrary, most unjust, and a departure from all practice, to allow new evidence to be brought forward in a Court of Appeal, or to admit any evidence which had not been before the Court of the first instance, whose decision was appealed from. He was surprised that his hon. Friend, who had referred to his diplomatic experience, did not until now seem to be aware that to admit fresh evidence into a Court of Appeal would not only be a most singular application of the laws of evidence, but would, moreover, be a departure from the laws of common sense. Lord Stowell, whose great knowledge of international law no one would attempt to dispute, presided when judgment was given in the appeal before the Privy Council, and that eminent individual, in pronouncing judgment, said that Baron de Bode appeared to have been so much excited by this subject, that he seemed to labour under a strange delusion. That delusion seemed to him to have spread its infection over the mind of the Member for Bridport who had brought forward the motion, for in his estimation it certainly seemed that a more scandalous case of fraud than the present case had never been attempted to be palmed by the ingenuity of one man upon the credulity of another. The hon. Member who had brought forward the present motion appeared to lay some stress upon the fact that this case had, on former occasions, been brought forward by Lord Stanley, Lord Hatherton, Mr. M. D. Hill, and Mr. Gisborne; but could anything more strongly exhibit the utter feebleness of the case—the utter want of any merits to rest upon—than the fact that it had failed from its own intrinsic weakness, though aided by the powerful and able advocacy of the noble and hon. Friends whose authorities had been cited? The award of the Privy Council took place in 1822. The Baron de Bode applied for a re-hearing, which was refused. He was however bound to admit, that this refusal was not founded upon the merits of the case, but upon the fact, that the Privy Council had not the power to grant a re-hearing. It was after this decision of the Privy Council that the Baron de Bode first appealed to Parliament, and his first trial of the House of Commons took place twelve years ago, when the case was brought forward by Mr. Littleton, who was well known to be both a personal and political friend of the late Mr. Canning. Yet Mr. Canning on that occasion opposed the motion, and disallowed the claim, saying most truly in 1826, that if a case having been decided upon by the proper jurisdiction was, after the final appeal to the ultimate tribunal, to be re-opened in the House of Commons, the Act of Parliament which gave to the Privy Council power of deciding in the last appeal would be rendered of no effect. When the case had, in 1830, been before the House he had felt that the Baron de Bode had no case, and had not supported the motion which had been brought forward, though that motion was introduced by a most able speech from his noble Friend (Lord Stanley). But that motion was negatived on the occasion which had been referred to; and his noble Friend, who was not a man to give way, if he felt that he had a good cause, never afterwards moved or voted on the subject. When the question was again brought forward in 1833, his noble Friend did not give it his support, admitting thereby, that after a party had brought his cause before the proper tribunals it would not be right for Parliament to re-open the proceedings. In 1834, in a very thin House, a Committee was granted contrary to the opinion of his noble Friend (Lord Spencer) then Chancellor of the Exchequer; before this Committee the Baron de Bode had the advantage of able counsel; and that Committee, having sat for three months, they had agreed to a report, stating that sufficient evidence had not been produced before them sufficient to support the case, and suggesting that further evidence was requisite, they recommended that the Committee should be revived in the next Session of Parliament. In the beginning of the Session of 1835, a motion for the appointment of a Committee was brought forward, but the House was counted out. This accident had happened more than once before. In fact it appeared that the House had tacitly voted the case to be a bore. The question was, however, afterwards brought under the notice of the House, who decided that they would not re-open the case or re-appoint the Committee, this decision being made by a majority of 177 to 79. The right hon. Gentleman then read a letter from the Baron de Bode, in which, among other strange falsehoods, he asserted that Mr. Finlaison, on the part of the Chancellor of the Exchequer, had made him (the Baron de Bode) the offer of 300,000*l.* in settlement of his claim. On the receipt of this extraordinary letter he immediately wrote to Mr. Finlaison, who denied having said anything of the sort, and added, that he could only explain the fact of the Baron's having written such a letter by supposing that from rumination on one point for twenty years he had become insane. But as the appeal of the Baron de Bode was now alleged to be made on moral grounds, let the House learn from Mr. Finlaison's statement how his first acquaintanceship with the Baron de Bode had originated through the medium of a deserving but unfortunate literary man. It was Stefano Petronj who had been driven to absolute beggary from having put his name to bills for more than he was worth, in order to supply funds for the Baron de Bode to enable him to prosecute these claims. Mr. Finlaison added, that he could prove that the Baron de Bode did not know his name before an interview which took place in consequence of his casual acquaintance with Petronj, nor that he was in the public service; that he never mentioned the name of the Chancellor of the Exchequer; and that if he had been capable of such conduct, he should have thought thirty years' service of the public lost upon him. And yet, notwithstanding this plain statement, the Baron de Bode dared to turn round and assert the contrary to all this in his letter to him. What, then, became of the Baron de Bode's character if he was a man who put one statement in his petitions and another in his letters—statements affecting both his character and that of Mr. Finlaison? Moreover, in addition to the case of misery he had mentioned, he believed that there was another person in prison on the Continent for a debt, which he had been inveigled into contracting by the baron for his own purposes. When, therefore, the hon. Mover and Seconder talked of the money that had been paid in expenses before Committees and Commissioners, he must admit that it was a grievance, but not a grievance to the Baron de Bode, it fell upon his creditors and his dupes. The right hon. Gentleman had read a portion of the evidence given before the Commissioners on the subject of these claims. He had now but few words to say. The hon. Gentleman who brought forward the motion, had thought proper to indulge in some insinuations against him. The hon. Gentleman had suggested that Government was guilty of some fraud in withdrawing certain documents from the evidence. He wondered how the hon. Gentleman could deal so lightly with personal character as to insinuate against one whom he had known for twenty years, a charge which he would not have dared to make more directly.

Mr. *Warburton* explained, that the tampering with justice of which he complained was the withdrawal of the documents by the Commissioners.

The *Chancellor of the Exchequer* was extremely happy to hear this explanation, but he could assure the hon. Gentleman that neither from him nor any one else would he submit in the face of the House of Commons to imputations of that description. With respect to the more general question respecting the accounts of the Commissioners, and the statement of balance unappropriated if the hon. Gentleman's object was a Committee, he had no objection; he would second the motion, but he must remind the hon. Gentleman that the step would not now be taken for the first time. The right hon. Gentleman concluded by cautioning the House against allowing itself to be induced by the distribution of pamphlets, or to be influenced, by private solicitations, in voting away the public money. If they permitted the jobbing and artifice which had too frequently mixed in the private business of the House to be transferred to votes of the public money, it was utterly in vain to expect that the financial business of the country could be rightly conducted. If hon. Gentlemen thought proper to vote away 300,000*l.* to one man, and as much to any other who chose to claim it, without that safeguard and check which their ancestors had wisely placed upon it, he trusted also that, in all fairness, they would take upon themselves the responsibility of raising the taxes from which such sums were to be paid. If the hon. Member for Bridport, as the patron and advocate of all pecuniary grievances, would take upon himself to pay away half a million of money, solely upon the weight of his own character, which he (Mr. Rice) was disposed to admit was unquestionably great, he trusted also that he would relieve the Government from that responsibility which they at present owed to the Sovereign and to the country.

Mr. *Hume* thought, that the right hon. Gentleman, the Chancellor of the Exchequer, had attempted to mislead the House. The motion of his hon. Friend, the Member for Bridport, was not for a vote of the public money, but for a Committee of inquiry, with a view to ascertain whether the claims of the Baron de Bode were legitimate and just. The French Government had deposited in the hands of the Government of this country 7,000,000f. for the benefit of those who should succeed in substantiating their claims, and the House ought not, therefore, by a technicality, to shut the Baron de Bode out from the opportunity of establishing his claim. That was the sole question before the House. He did not mean to defend any of the acts or conduct of the Baron, which had been mentioned by the right hon. Gentleman, but the House should recollect that the Government was only trustee of the money.

Mr. *Ward* wished to be permitted to say a few words in explanation. He had never seen either the letters of Mr. Finlaison or the Baron de Bode. He had taken his views of the matter from a high legal authority, who was the person described as having been formerly engaged as counsel in the cause, and with whom he believed the learned Solicitor-General was acquainted. He alluded to Mr. Langslow, to whom Mr. Finlaison had admitted, that he (Mr. Finlaison) had held with the Baron de Bode a conversation very much to the purport stated in the Baron's letter—namely, that he had estimated the reversionary interest at 300,000*l.* and that he was willing, if the Baron would abide by the estimate, and consent that the matter should be referred to arbitration, to apply to the Chancellor of the Exchequer on his behalf.

The *Chancellor of the Exchequer* could only say, that the letter which he had read was not prepared with a view to its being brought to bear upon the present debate. It was dated as far back as the 6th of November, 1836, when the matter was recent and fresh in Mr. Finlaison's mind. Upon receiving the Baron's letter, he sent it to Mr. Finlaison, who sent in answer the letter which he had read. In order, however, that there might be no difficulty about the matter, or mistake about the nature of the Baron de Bode's claims, he would move that both letters be printed and distributed, for the use of Members and the public.

The House divided:—Ayes 28; Noes 108. Majority 80.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Barnard, E. G.
Beamish, F. B.
Blake, M. J.
Blake, W. J.
Browne, R. D.
Bruges, W. H.
Duncombe, T.
Fenton, J.
Forbes, W.
Hall, B.
Handley, H.
Hawes, B.
Hayter, W. G.
Logan, H.
Molesworth, Sir W.
Morris, D.
O'Connell, D.
Pechell, Capt.
Round, C. G.
Sinclair, Sir G.
Stewart, J.
Talfourd, Sergt.
Vigors, N. A.
Wallace, R.
Ward, H. G.
Williams, W.

TELLERS.

Warburton, H.
Hume, J.

List of the NOES.

Adam, Sir C.
Anson, hon. Col.
Arbuthnot, hon. H.
Bagge, W.
Baines, E.
Baring, F. T.
Barry, G. S.
Bateman, J.
Bentinck, Lord G.
Bernal, R.
Blennerhassett, A.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Burroughs, H. N.
Busfield, W.
Byng, rt. hon. G. S.
Campbell, Sir J.
Chalmers, P.
Chandos, Marquess of
Chichester, J. P. B.
Collier, J.
Copeland, Mr. Ald.
Cripps, J.
Curry, W.
Dalmeny, Lord
Dalrymple, Sir A.
Darlington, Earl of
Davies, Col.
Douglas, Sir C. E.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, C. W. D.
Easthope, J.
Eliot, Lord
Farnham, E. B.
Feilden, W.
Fellowes, E.
Fergusson, rt. hn. R. C.
Fitzalan, Lord
Gaskell, Jas Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, R.
Gordon, hon. Capt.
Goring, H. D.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Hastie, A.
Hawkins, J. H.
Hobhouse. rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Inglis, Sir R. H.
James, W.
Lascelles, hon. W. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Macleod, R.
Marsland, H.
Marsland, T.
Maule, hon. F.
Maunsell, T. P.
Morpeth, Viscount
Murray, rt. hon. J. A.
Packe, C. W.
Palmerston, Viscount
Parnell, rt. hon. Sir H.
Plumptre, J. P.
Price, Sir R.
Pringle, A.
Protheroe, E.
Rice, rt. hn. T. S.
Rich, H.

Rickford, W.
Rolfe, Sir R. M.
Rose, Sir G.
Russell, Lord J.
Salwey, Col.
Seymour, Lord
Slaney, R. A.
Smith, R. V.
Stanley, E. J.
Stanley, W. O.
Stuart, H.
Stuart, V.
Strickland, Sir G.
Surrey, Earl of
Tancred, H. W.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vere, Sir C. B.
Verney, Sir H.
Vivian, J. E.
Vivian, Sir R. H.
Wall, C. B.
White, A.
Wilbraham, G.
Wood, C.
Yates, J. A.

TELLERS.

Parker, J.
Steuart, R.

Poor-law—Gilbert's Act.] Mr. *T. Duncombe* felt bound to state, that in making a motion to give an instruction to the Poor-law Committee he had two distinct objects in view—in the first place, to ascertain whether the system of the new Poor-law unions is superior to the system adopted under Gilbert's Act; and, secondly, in order that the individual guardians under Gilbert's Act should have a public opportunity of rebutting the charges and accusations that have been made against them by the Poor-law Commissioners in their third Report, merely, as it appeared to him, for the purpose of inducing the House to give their consent, that additional powers should be vested in the Commissioners for dissolving unions, without the consent of those guardians who objected to any alteration until they should be perfectly satisfied that a better, a more economical, and a more humane system could be substituted in lieu of the present system. There were several amusing passages in the third Report of the Commissioners, which at an earlier hour he would have felt it his duty to read; but there were other parts which caused a very great sensation in the West Riding of Yorkshire, the whole of which was at this moment incorporated in unions under Gilbert's Act. There were about 150 townships thus incorporated, and the Poor-law Commissioners wished the House to give them additional powers to dissolve these unions, without the consent of the guardians. The reasons why they stated they wished for these powers were, that the guardians, in the administration not only of relief, but in their own conduct, had been extremely corrupt, and that the system itself was vicious. But they were not satisfied with attributing dishonest motives to the guardians, but they wished the House to believe, that these individuals were idiots and fools. He would venture to say, that if the Poor-law Committee that was sitting up stairs summoned some of those individuals from Yorkshire they would acquire more information than they had already with regard to the distribution of relief, and it would appear, that the Poor-law Committee were very much in want of practical information, which those much-abused individuals could give them. There were one or two passages in the Report to which he would call the attention of the House. The Report, at page 418, stated, that obstacles were raised on the part of the guardians to the dissolution of the unions, partly from adverse personal interests, and partly from the difficulty of convincing them of the general advantages of a change of system. The Report also stated, that under Gilbert's Act the guardians received, some 5*l*., some 10*l*., and some as much as 20*l*. each. Now, that he denied, with regard to the West Riding of Yorkshire. The Report stated, that many of the guardians were uncultivated and prejudiced, that they were unable to write their own names, that arguments of a general nature were totally unintelligible to them, and that they were guided in their proceeding by matters purely local. Now, with regard to the guardians being paid, he believed that the Poor Relief (Ireland) Bill provided, that the guardians should be paid. If the system were vicious with regard to Gilbert's Act, he would like to know why it should not be equally vicious with regard to Ireland. To illustrate what he had before adverted to, he would read what the Commissioners stated with with respect to the Oswestry union. They stated—

> "At the last meeting of the board of the Oswestry incorporation, when the directors again refused to dissolve, a butcher of the town was in the chair, who was himself supplying the house with meat, and the resolution was carried with every magistrate in the room voting against it. At the Montgomery and Pool union, at the largest meeting ever known there, the lord-lieutenant of the county was in the chair, himself owning one-fifth of the property in the incorporation, and strongly advocating the propriety of its dissolution, though he himself brought in the Act under which it was constituted. Six out of eight of the magistrates present voted on the same side, and nearly all the holders of the property affected, in the room; nevertheless the dissentients carried their point by a majority of eighty-four to thirty-six. Yet this was in direct op-

position to evidence adduced to prove, that even by comparison with a neighbouring incorporation (and that, too, far from a well-managed one) their expenditure was fifty per cent higher than was necessary."

Thus they, at once, attributed corrupt motives to the butcher: but he would like to know why similar motives should not be attributed to the lord-lieutenant who owned one-fifth of the property of the union, and to the six magistrates who, with him, voted for its dissolution? But was the butcher the only one who could be suspected of acting from corrupt motives? Had not the Poor-law Commissioners an interest in putting an end to Gilbert's Unions throughout the whole country? Were not the assistant commissioners receiving 30,000*l.* a-year, and was not the sum of 6,000*l.* a-year paid to those Commissioners who were sitting in Somerset House? He, therefore, thought, that he had as much right to say, that the Poor-law Commissioners had adverse, private, and personal interests in framing this Report, as the butcher had in giving his vote. He denied, that these guardians were the uneducated and incompetent persons they were reported to be; on the contrary, they were in most cases persons of property in the parish, and perfectly competent to manage the affairs of the parish with equal advantage to the rate-payers and the poor. At the same time they were quite ready to give evidence on the subject, which he (Mr. Duncombe) had no doubt would comprise much valuable information not only to this House, but to the Poor-law Commissioners. The guardians maintained, that the Gilbert system was better and more economical than the new one sought to be introduced by the Commissioners; but at the same time they were willing to have the question brought to an issue, and if the new system should be proved to be better than their own they were prepared to dissolve their boards in favour of the Commissioners. This was so reasonable a proposal that he hoped her Majesty's Government would consent to it, and give the guardians a fair and impartial hearing. The hon. Member then moved, that "it be an instruction to the Poor-law Committee to inquire on the subject of that portion of the third report of the Poor-law Commissioners which referred to the vicious system alleged by them to have been pursued by the existing corporations under Gilbert's Act."

Sir *G. Strickland*, in seconding the motion, expressed his entire concurrence in what had been stated by his hon. Friend. Let hon. Members recollect, that when Gilbert's Act was passed and brought into operation, it was admitted on all hands that it worked well, and that it would be a public benefit to have the management of the whole poor placed under that act. Now, however, it appeared to be the wish to swamp that act, and to throw the whole authority in the management of the poor into the hands of the Poor-law Commissioners. He would support the proposed inquiry, because he believed it would have the effect of allaying the excitement which now existed in the country on this subject.

Lord *J. Russell* did not understand that the motion would impose any new ground of inquiry on the Poor-law Commissioners, and he would not, therefore, offer any objection to it. The Committee would have to consider the working of the law under Gilbert's Act, but he did not think that it would go into the inquiry whether the statements of the Poor-law Commissioners were correct or not. He would not at that time enter into the merits of Gilbert's Act. He would admit, that at the time it was passed it was an improvement on the law as it then stood, but abuses had crept in under it, which the New Poor-law would serve to correct. If the advocates of the Gilbert Act could show that it was better, he had no objection to hear them.

Mr. *Hall* was glad that this motion was brought forward. In the parishes of St. Pancras and Marylebone which he represented, they were governed in the administration of the poor by a local act, and it worked well, and the parishioners were determined to oppose, by every means, the introduction of any other system.

Captain *Pechell* said, that he was connected with an union of nineteen parishes in Sussex, which was governed by a local act. The Poor-law Commissioners wished to have the power of dissolving that union, but he thought that was a power which should not be given to them, but be reserved to the Legislature itself. With respect to the reports of the Commissioners, he must say, that in many instances they were most unfair. The guardians under the local act were charged with corruption. That charge he declared to be unfounded. They never derived any personal benefit from their exertions. The proposed inquiry would, he thought, be most useful in its results. It would show the absurdity of some portions of the Commissioners' reports. In one of these it was said, that where the new system had been adopted the men, who before had been discontented, now went to their work whistling and as happy as birds. This, however, he begged leave to deny.

Mr. *Brotherton* supported the motion. He was sure that the payments under the present system were greater than at any former period. He spoke from experience for he was intimately acquainted with the management of the poor at Salford.

Motion agreed to.

SABBATH TRADING.] Mr. *Plumptre* rose for leave to bring in a bill for the suppression of trading on the Lord's Day, commonly called Sunday. The subject had been so frequently before the House he should not trouble it by entering into any details although he was prepared to do so if it were desired.

Mr. *W. Duncombe* seconded the motion, and said that the general voice of the country demanded some measure of this kind, which he hoped would be passed before the session closed.

Mr. *Hall* wished to know whether the bill which the hon. Member proposed to bring in was specifically confined to trading; and he gave notice that if it extended to interfere with the recreations and amusements of the people, which in large towns particularly were so essential to the happiness and health of the community, he should give the bill his most decided opposition.

Mr. *P. Howard* hoped that the bill would be adapted to the present state of society, and not attempt unnecessarily to interfere with the liberty of the subject.

Captain *Pechell* said, that before he could consent to the introduction of the bill he wished distinctly to know whether it would interfere in any way with the fisheries or the fish-market. He also wished to know whether there would be any interference with the sailors on the sailing and arrival of her Majesty's ships? If these questions were answered to his satisfaction, he should have no objection to the circulation of the bill through the country.

Sir *G. Strickland* thought it extremely desirable, that the hon. Gentleman should be allowed to bring in his bill without having every Member putting questions with reference to the particular interest with which he happened to be connected.

Mr. *O'Connell* felt called on to say, as a matter of justice, that in no country was the Sabbath more decently observed than in England. If there were any trading not justified by charity or necessity, it would be well to prevent it; but in any attempts at legislation they ought not to calumniate this country by suggesting any thing against their due observance of the Sabbath.

Mr. *Chisholm* reminded the hon. and learned Member for Dublin, that so far from the inhabitants of this country considering it a calumny to impute to them a desire to legislate with regard to the Sabbath, they proved their wish to do so by the numerous petitions presented on this subject.

Mr. *Warburton* said, that if they were to legislate on this subject they ought to do so in an impartial spirit. The rich could go to the country on Sundays to see their friends without hiring and conveyance, having their own carriages to convey them. But if trading were altogether prevented on the Sabbath they would shut out from the middling and poorer classes an opportunity of taking part in those amusements which were absolutely necessary to their health. The bill of Sir A. Agnew was partial in its nature and deserved to fail. He had no objection to allow the hon. Gentleman to bring in his bill, and give him an opportunity of explaining his intentions.

Leave given.

INTIMIDATION OF VOTERS.] Mr. *Slaney* moved for leave to bring in a bill to prevent threat or attempts at intimidation to voters to influence their votes for Members of Parliament. As to the necessity of some measure on this subject all seemed to agree. The intimidation Committee had shown, that there was not a single part of England which did not afford evidence of the necessity of devising some mode for the protection of the voter in the honest exercise of the franchise. Many of his friends thought that the protection of the ballot would ensure that object; but he had lately by his vote proved that he could not in his conscience sanction that opinion. He was persuaded, however, of the necessity of checking that intimidation which was known to prevail so widely. An extensive alteration as to the possessors of the franchise was effected by the Reform Bill. In this system abuses had grown up which it was essential to check. With this view he had introduced the present measure. It was impolitic, he conceived, that any bill which it was wished to make effectual should be so severe as to have the general opinion of mankind run counter to it. He had, therefore, endeavoured to frame such a measure as, while it visited the offence, affixed to it only such a punishment as should ensure the attainment of the object he had in view by the general concurrence. He intended that any landlord, customer, master, or any other person who should in any form or way interfere with the independent exercise of the franchise, should be considered guilty of a misdemeanour. He meant, next, that any person so offending should be liable to be convicted before two magistrates, or indicted at the Sessions before a jury. If taken before two magistrates he should have the power of appealing to the Sessions, not to the bench of magistrates, but to a trial by jury. Should he be convicted, he would be liable to a fine of 100*l.* with a power of mitigation, a under special circumstances, to 50*l.* The person intimidated he intended should be a competent witness; and if he were a voter he might have half the fine paid over to him. The proceeding on this measure was limited to six months after the period when the offence was committed. He did not pretend to say, that such a measure would altogether prevent, but he thought it well calculated to diminish, the number of offences committed on the ground of intimidation.

Mr. *Warburton* said, that when the ballot was under discussion the other evening, the noble Lord (Lord John Russell)had used intelligible arguments against it, to which he was willing to accede the commendation of sincerity. But when the hon. Gentleman proposed a bill to prevent, by penalties the practice of intimidation, he looked upon it to be just as impossible a problem in politics or morals as the squaring a circle in geometry, or perpetual motion in mechanics. When a person now voted contrary to the wish of his customer was he told the reason why that custom was withdrawn? When no reason was alleged, now that no penalty existed, was it likely that there would be, when it was made a penal offence. Such a measure was a mockery of legislation.

Mr. *P. Howard* thought, that no measure on this subject which did not emanate from the Government, or which was not founded on the report of the Intimidation Committee, would be well received by the House. He should therefore be inclined, if he were supported by the House, to resist the introduction of this Bill.

Mr. *Hume* begged to ask his hon. Friend one question. Suppose a steward were to attend an election (which they had too good reason to suspect was the case at the late elections), for the purpose of influencing by his presence the vote of the elector, was he to be considered liable to the penalties of the Act?

Mr. *Slaney* begged that his hon. Friend would allow him to introduce his Bill, and see how far the phraseology met the object which he contemplated.

Mr. *Hawes* was of opinion, that instead of attempting to put down intimidation by penalties, they should give the voter the privilege by allowing him to conceal his vote, of acting as he thought fit. He was not averse to a remedy for intimidation; but instead of this being a bill to put down intimidation, it was a bill to promote vexatious informations.

Lord *John Russell* felt, that what had passed that evening proved what he had stated the other night, that if any other remedy than that then submitted were proposed, the greatest discontent would be expressed with regard to it, and every proof would be given that there was only one efficient remedy for the evils complained of. He would not deny, that there was a great deal of truth in what his hon. Friend, the Member for Bridport, had said. He readily believed, that it could not be shown that intimidation was used beforehand, and yet that the voter suffered a penalty consequent on the discovery that he exercised his franchise contrary to the wish of those who possessed control over his acts. At the same time he owned he was disposed to attach some value to the declarations of Parliament on this subject. Much the same objection might be urged with respect to bribery. Supposing that a person was ready to offer a bribe, and a voter to give his vote to the highest bidder for it; if this transaction were conducted secretly, it would be extremely difficult by any law or penalty to prevent this act of bribery. Yet, if no laws existed against bribery, it would prevail to a far greater extent than it now existed. He had suggested to his hon. Friend, when he saw on the paper this notice to bring in a bill, that it would be a more proper way to preface it by resolutions of that House. They had resolutions with respect to bribery; and they had a Committee with regard to bribery and intimidation, which found no difficulty in the investigation or proof of these evils; and he, therefore, was persuaded that resolutions in accordance with the law and the well-known institutions of the country must themselves make some impression as a declaration of the sense of that House, and must form a more proper foundation for any measure than the authority of an individual Member. Being, however, convinced that great evil existed from the manner in which intimidation was practised, and it being the opinion of the hon. Gentleman that some good might be accomplished by his Bill, he could not give a vote against its introduction. He hoped that the House would not so far discountenance an attempt of this kind as to refuse to examine the provisions of this measure.

Mr. *Scarlett* admitted, that intimidation was odious. He was disposed to think, however, that hon. Gentlemen drew on their imagination too largely with respect to the intimidation of voters. He had some experience in elections, and he found that the more attempts were made to intimidate the voter the less they succeeded. In order to make the voter perfectly independent, a higher qualification ought to be exacted.

Sir *George Strickland* thought, that the House ought to be allowed an opportunity of discussing some less objectionable mode than the ballot of preventing the evil of intimidation. He should, therefore, support the motion for leave to bring in the Bill.

Mr. *Jervis* was altogether hostile to the proposition. To correct the evil complained of, the tribunal proposed to be erected by this Bill was the worst that could possibly be devised. Two magistrates, with a jury of farmers! These were the parties to determine whether any intimidation had been practised by landlords. The noble Lord had endeavoured to draw an analogy between intimidation and bribery. There was no analogy between the two. Bribery was a positive act, and consequently open to detection; whereas intimidation might be practised in a thousand ways without the possibility of detection. The only efficient protection to the voter was the right of secret voting. With these views upon the subject, although he admitted the course to be an unusual one, he should certainly vote against the motion for leave to introduce the Bill.

The *Chancellor of the Exchequer* said, that resistance to the introduction of a bill was not only unusual, but in this instance, he thought, unjustifiable. He thought the proposition a very reasonable one for the House to entertain. The evil of intimidation was admitted on all hands: therefore it became the duty of the House to inquire whether some practical remedy could not be devised. If the provisions of the Bill now proposed should appear not to afford a practical remedy, it might be rejected upon the second reading. If the House refused to entertain the Bill at all, it must rest its resistance to it upon one of two grounds—either that it did not believe the existence of the evil, or else that there was no remedy for the evil except the ballot. He was not prepared to declare in the affirmative of either of these propositions. If the House rejected the motion for the introduction of the Bill, the natural inference would be, that it did not wish to prevent intimidation.

Mr. *Brotherton* hoped, that the hon. Gentleman would be allowed to bring in the bill. He thought that the mere circumstance of such a measure being introduced and discussed by the House might possibly have so great a moral influence in the country as to prevent the necessity of resorting to the ballot.

Mr. *Gillon* considered, that the suggestions of the noble Lord with respect to a resolution of that House would be of no avail. The resolutions that were passed every Session were quite farcical. In spite of the resolutions of that House it was now scarcely attempted to be disguised that Peers interfered in the elections of Members of Parliament.

Mr. *Forbes* suggested, that the bill should have a clause introduced to protect voters from intimidation by blows. In his opinion, that kind of intimidation was a very effective one, and the bill would be useless without it. He should not oppose the motion if it came to a division.

Colonel *Sibthorp* was satisfied that no efficient remedy could be applied to prevent the evil, unless a curb were put upon the influence and control of the Government. An instance had occurred within the last few days. It was currently reported, as well out of the House, as within its walls, that in consequence of what took place upon the debate on the ballot a scene occurred in the Cabinet, which for a time placed all the members of it completely at sixes and sevens. It was currently reported that something like an altercation took place, and that one noble Lord, exercising a vast portion of the influence of the ministry, said to another noble Lord, "Either you or I must go out." This produced the necessary obedience. But if such an exertion of influence had its effect in the very cabinet itself, composed, of course, of men of strong and high minds, how much more powerful must it be when applied to persons in less eminent situations? It was often difficult to know what was meant by bribery and intimidation. He had been charged with both, because he had performed common acts of charity, and discharged what he considered to be his duty to his fellow-creatures. Benevolence extended to the widows of deceased voters, from whom he asked no favour in return, had been magnified into the grossest bribery and corruption. He should not object to the introduction of the present bill, but unless a clause were introduced to prevent the exercise of the influence of the Government at elections, he thought that it would be productive of little good.

Sir *George Sinclair* should certainly oppose the introduction of the bill, because he thought nothing so likely to countenance and increase the evil as the adoption of an insufficient and futile remedy.

The *Attorney-General* thought, that the hon. Member for Shrewsbury would be very hardly dealt by if he were not allowed to bring in the bill. When the hon. Member rose to propose it there was a general cry of "move, move!" from all sides of the House, from which the natural inference to be drawn was, that the House was disposed to receive the proposition by general acclamation. It was not until the hon. Gentleman, at the request of the hon. Member for Bridport, had given a very brief outline of his plan, that any opposition was manifested. He did not think this a right course of proceeding. He by no means pledged himself to support the bill in its future stages, but he should certainly vote in favour of the motion for leave to bring it in.

Lord *George Bentinck* thought, the nostrum proposed in this bill so nauseous and inefficient that the time of the House ought not to be wasted in going into a second discussion. He should therefore vote against its introduction.

The House divided:—Ayes 50; Noes 23: Majority 27.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Aglionby, H. A.
Baines, E.
Baring, F. T.
Blewitt, R. J.
Boldero, H. G.
Borthwick, P.
Brotherton, J.
Busfeild, W.
Campbell, Sir J.
Darlington, Earl of
Douglas, Sir C. E.
Duncombe, T.
Evans, W.
Farnham, E. B.
Finch, F.
Forbes, W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Grey, Sir G.
Grimsditch, T.
Hastie, A.
Hobhouse, T. B.
Hodgson, R.
Hughes, W. B.
Lascelles, hon. W. S.
Lennox, Lord G.
Lennox, Lord A.
Lowther, J. H.
Marsland, T.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Palmerston, Viscount
Pease, J.
Pechell, Captain
Plumptre, J. P.
Pringle, A.
Rice, rt. hon. T. S.
Russell, Lord J.
Seymour, Lord
Sibthorp, Colonel
Smith, R. V.
Steuart, R.
Stuart, H.
Talfourd, Sergeant
Williams, W.
Wood, G. W.
Yates, J. A.

TELLERS.
Slaney, R. A.
Strickland, Sir G.

List of the NOES.

Aglionby, Major
Bagge, W.
Beamish, F. B.
Blake, M. J.
Chalmers, P.
Davies, Colonel
Gibson, T.
Gillon, W. D.
Goring, H. D.
Hawes, B.
Howard, P. H.
Hume, J.
Inglis, Sir R. H.
James, W.
Jervis, J.
Langdale, hon. C.
Litton, E.
Molesworth, Sir W.
Stewart, J.
Thornley, T.
Vigors, N. A.
Wallace, R.
Warburton, H.

TELLERS.
Bentinck, Lord G.
Sinclair, Sir G.

Leave given.

CALL OF THE HOUSE.] Sir *William Molesworth* said, that as it had been supposed he was not serious in his intention to bring on the motion of which he had given notice for the 6th of March, he begged to state that he was determined to take the sense of a full House upon it, with a view of ascertaining their opinion as to the delays which had taken place in, and as to the general conduct which had been pursued by, the Colonial Department. He should now, therefore, persevere in the motion of which he had given notice for a call of the House on that day. He intended to confine his motion for that day to the subject of the Colonial office, and not, as some persons imagined, make it a call upon the House to express an opinion with regard to her Majesty's Ministers generally, about whom he had, ever since the speech of the noble Lord at the head of the Home Department, at the commencement of this Session, been as perfectly indifferent and careless as he was about the ministers of the Czar of all the Russias or of the Emperor of China. His object was, firstly and chiefly to relieve those colonial possessions of her Majesty, in whose prosperity this country had the greatest interest, from the control of an imbecile and oppressive Government. This was his main wish. Secondly (and in so far a party question would be involved in the motion), his object was to ascertain and exhibit to the House and the country how many Members there were in this House, whether Tories, Whigs, or Radicals, who would, for mere party purposes, venture either to negative or refuse to maintain a proposition of the very greatest importance, and which almost every one of them, in their consciences, knew to be perfectly true. These were the reasons for which he now took the liberty to ask the House to grant his motion, namely, "that the House be called over on the 6th of March."

Motion agreed to.

HOUSE OF LORDS,

Friday, February 23, 1838.

Minutes.] Bills. Read a third time:—Exchequer Bills; Transfer of Aids; Waterford House of Industry.

Petitions presented. By Lord Brougham, from Leith, Tredgar, and Perth, against any further grant to the Scotch Church.—By the Bishop of Salisbury, from the Clergy of his Diocese, against Education not founded on Religion.—By Lord Foley, from Kenilworth, for the abolition of Negro Apprenticeship.

The Ballot.] Viscount *Melbourne* said, he had been intrusted with the presentation of a petition from Leith upon a subject of great public interest, on which public feeling was at present much excited, respecting which a motion had lately been made in the other House of Parliament, and observations addressed to their Lordships. He alluded to the vote by ballot. The petition which he had the honour to present had been transmitted to him, with a letter from a gentleman who had interested himself a good deal in its getting up, in which he was informed, that up to the period of the last elections the petitioners had not been inclined towards the introduction of the vote by ballot, but that so numerous and glaring had been, upon that occasion, the instances of intimidation and interference with the opinions of the voters, that they had come to the conclusion, that only the ballot would provide protection to the poorer classes among the constituent body, and they accordingly offered, through him, the present petition to their Lordships. I have seen (observed the noble Viscount) with great regret, that which has already been observed upon in your Lordships' House by the noble and learned Baron near me, namely, the progress of this measure in public opinion—a progress which it is, I must say, quite impossible to deny. This, I conceive, has arisen very much from the circumstance stated in the letter to which I have referred; namely, that at the recent elections, intimidation and the power which station and wealth give one man over another had been exercised in a more reckless and unscrupulous manner than had ever been before. Whether it be true, as alleged, that this influence has been exercised by one political party more than another, I presume to give no opinion—of my own knowledge I know nothing about it—and if I may claim to have any impression on my mind respecting the matter, it is entirely derived from what I am given to understand is the general feeling and general report. But, my Lords, if the one-half, the one-third, nay, the one tenth part of what I have heard on this head, be founded in fact, I cannot certainly at all wonder at the feeling which prevails on the subject, or that persons suffering from so much inconvenience should feel inclined to fly for relief from it to any remedy which might offer the smallest hope of redress. At the same time I cannot but express my strong hope, that the public will not allow themselves to be led away on this subject by any immediate pressure; but that, before they press for the enactment of a measure so important, that they may well and maturely weigh its advantages and disadvantages with unbiassed judgment and calm and temperate feelings. My decided opinion is, my Lords, that if even all that has been said on this subject be true, the measure of the ballot is one which ought not to be adopted as a remedy. It is not my intention to introduce a debate upon the present occasion; but I must be allowed to observe, with respect to the measure, I do not believe that any mind is so comprehensive, perspicacious, or acute, as to be able to foresee what the consequences of its adoption in this country would be. Any arguments derived from its application, and successful application, in foreign countries I hold to be wholly inapplicable in regard to England. We know from experience, that measures introduced into our country from a foreign land, and measures carried from England over to other states, do not operate so well, or work in the same manner, as in the country in which they were originally brought into action; and therefore it is, my Lords, that I for one should object to the adoption of this measure of the ballot, if introduced to us on the ground of its successful application to other countries. It might succeed, my Lords, I will not take upon myself to say it would not succeed in this country; but the very uncertainty of its effects alarms me, and would prevent me from sanctioning its adoption. I may, however, my Lords, speak even more positively upon this subject; for, putting aside all other objections to its adoption, I do not hesitate to express my belief, that the ballot in no respect would prove an efficacious remedy for the evils and grievances it is intended to cure; and even if those evils and grievances prevailed to a much greater extent than they do, the ballot, so far from diminishing them, would add to their number, and at the same time introduce others of a more annoying nature. Such being my opinions, my Lords, I have but to add, that while I have great satisfaction in making known the wishes of any body of my fellow-countrymen in presenting their petitions, I cannot give my approbation to the prayer of that I now beg leave to place upon your table.

Lord *Brougham* said, it was not his intention on this occasion to discuss the question to which this petition referred. Certain it was, that the alleged exercise of undue influence, and of the existence of intimidation to an extent that was almost destructive of the beneficial use of the franchise, had of late years caused the ballot to increase in popularity. It had found new favour and new advocates among the people. It was, however, a question that demanded much and serious consideration. He entirely agreed with his noble Friend in opinion, that it would be most unsafe to adopt the principle merely because it had been tried in other countries, without most anxiously considering and marking the peculiar circumstances connected with those countries. To talk of transplanting such a system from one country to another without that previous investigation and scrutiny was futile. Nothing could be more unsafe than to transfer the institutions of one country to another without carefully investigating every part of the question, because that which might agree very well with the soil of one country might be very unfit for another. He looked upon it as unsafe, because, if the system were adopted without such inquiry, it assumed, that the two experiments, that in the country where it was first tried, and that in which it was about to be introduced, proceeded on the same terms and under the same circumstances. It did not follow, because the ballot succeeded in another country, that it should be tried here. It must stand upon other grounds; he believed, that those who were friendly to it did not rest their argument upon that point. It had been alleged by the opponents of the ballot, as an argument against it, that it had not answered in France, and in opposition to that, the friends of the ballot, as an incidental part of their case, had contended, first, that it had been effectual in conciliating parties; and next, that it had produced none of those effects which had been said to arise from its adoption in other countries.

The *Duke of Wellington* said: My Lords, I should not have thought it necessary to say a single word upon the observations which have fallen from the noble Viscount in adverting to the subject of the petition which he has presented, and the letter which it appears has been sent to him by an individual in the country, had the noble Viscount not thought proper to impute particularly to one party—I conceive not that party which is politically connected with the noble Viscount—those measures and proceedings which he apprehends are so calculated to lead to that system of voting which is prayed for in the petition, and which the gentleman who has communicated with the noble Viscount has said to be the cause of his having signed that petition, and also the cause which has induced many others to follow the same course. Now, I must say, I firmly believe, that the consequence of the transactions of recent years has been, to render the possession of political power by individuals in different parts of the country, nay, I must say in every part of the country, infinitely more desirable than it was years ago. Corporations have acquired great interest—individuals have acquired great influence—and there can be no doubt whatever, that all that influence and all that interest has been directed to the purpose of promoting and acquiring political power. This is a fact of which we are all aware, which passes under the view of all of us, and cannot be denied. But, my Lords, I must say, that in respect especially to the exercise of official influence and, indeed, the exercise of influence and interest of every description, in the last seven years we have gone back above half a century. Things remain no longer in the state in which they were, according to my recollection, even ten years ago. Things are not now as they were then. But the noble Viscount has said, that noble Lords and Gentlemen have unduly exercised the influence which their property may give them over their tenants and tradesmen. Now I have been a good deal in the world, my Lords, and I know of no such thing. I know a great deal of the exercise of influence of another description—I hear a great deal of it, and I see much evidence of it—I mean the exercise of priestly influence and intimidation in all parts of a neighbouring country, where riots are invariably excited in the course of every election—but with regard to that species of influence which has been alluded to—the influence of property, and the exercise of what I must call the improper influence of men of property over their tradesmen and tenants—I know of none such; and so far as my influence goes I always beg that it may never be used. My Lords, I shall be greatly concerned if I ever see the example of other countries followed in this respect by the establishment of what is called the principle of the ballot. What is the principle that honourably distinguishes us from other nations? The universal publicity of our conduct—the open avowal of our sentiments and intentions to all mankind. Deeply, then, should I be concerned at the introduction of a system into this country which would convey the impression that any one enjoying the right was afraid to come forward and avow publicly the notions and opinions which he entertained. With respect to the exercise of all this influence, let me ask what is the principle upon which the Constitution of this country is formed—not merely the Monarchical Constitution, for we have the happiness of living under a limited Monarchy—but the Constitution is framed not only for the protection of individual liberty and life, but also for the protection of property. We are called here for the protection of property, and for the security of the Church, as well as for the security of liberty and life; and I hope that your Lordships will never lose sight of these objects in any of your deliberations.

Lord *Brougham* had always been of opinion that the ballot would afford little if any protection as between the landlord and tenant, but in towns great and undue influence was notoriously exercised by the customers over the shopkeepers, and there the ballot was unquestionably required. He, like the noble Viscount, had not alluded to one political party more than the other: both parties were, perhaps, equally to blame. He was bound, however, in justice to the noble Duke, to observe that as regarded official influence, perhaps less had been exercised by the Government of 1830—that over which the noble Duke presided—than any other within his recollection. But it was to protect the trades-people in towns that the ballot was most required. What would the noble Duke say to the following instance of undue interference. In a certain great city not far from the place in which their Lordships were sitting, a certain poor but honest and worthy tradesman had no less than sixteen written applications from different customers, all insisting on his voting one particular way, and threatening him with the loss of their custom if he did not do so, a loss which would almost amount to his ruin. Notwithstanding this that tradesman did not vote as he was ordered, and he only hoped it had not been his ruin.

Viscount *Melbourne* begged, in explanation, to state that he had not charged any political party particularly with having exercised undue influence at the late elections.

Petition to lie on the table.

HOUSE OF COMMONS,

Friday, February 23, 1838.

MINUTES.] Bill. Read a first time:—Salmon Fisheries (Ireland).

Petitions presented. By Mr. VILLIERS, from the Anti-Corn-Law Association of Scotland, by Mr. HUME, from Bathgate, by Sir R. FERGUSON, from Nottingham, by Mr. GILLON, from Whitburn, and by Mr. M. PHILIPS, from the Chamber of Commerce of Manchester, for the abolition of the Corn-laws.—By Mr. GILLON, from the Central Board of Scottish Dissenters, from Girvan, Kirkcudbright, Falkland, Auchtermuchty, Whitburn, and other places, against any further grant to the Scotch Church.—By Sir R. BATESON, from a parish in the county of Londonderry, and from the Presbyterian congregations in the county of Down, against the Irish Poor-law Bill.—By Mr. SANFORD, from four places in Somersetshire, for the abolition of Negro Apprenticeship.—By Mr. LITTON, from inhabitants of Dublin, against certain clauses in the Irish Poor-law Bill.—By Mr. WAKLEY, from fourteen towns in the east of Kent, complaining of the regulations for Medical Practitioners under the Poor-law Amendment Act; and from the Working Carpenters of Dublin, denying that they had entered into any combination to inflict violence on persons or property, and denying certain statements reported to have been made against them.—By Mr. DENNISTOUN, from Glasgow, for an inquiry into the system of Trades' Unions.—By Mr. CRESSWELL, from Liverpool, for the abolition of Imprisonment for Debt.—By Mr. HANDLEY, from a place in Lincolnshire, against the Municipal Boundaries Bill.—By Mr. BETHELL, from Duffield and the vicinity, numerously signed, for an abolition of Negro Apprenticeship.—By Mr. HUME, from Ross, and other places, for the abolition of the Negro Apprenticeship system in the West Indies.—By Mr. GROTE, from two places in Fife, and from inhabitants of the city of London, for the abolition of Negro Apprenticeship.

THE LEGION IN SPAIN.] Sir *H. Hardinge* said, that seeing the noble Lord the Secretary for Foreign Affairs in his place, he wished to remind the noble Lord that about two months ago, he put a question to him as to when the remnant of the British Legion at St. Sebastian might be expected home in this country. The noble Lord had then said, that vessels had been sent out in order that those unfortunate men might be brought home as soon as possible. Now he had received information that the men were now still at St. Sebastian, in a state of great misery, destitution, and starvation, and that about 200 of them had been received on board the Columbia, in order to preserve them from actual starvation; that many of the unfortunate men had no trowsers, no shoes, and were altogether in a most deplorable state of destitution. He had also been informed, that in the beginning of January last a serjeant had been found lying dead in the snow with scarcely a rag of clothing on his back. He should not mention these things, but that he was positive the noble Lord would take every step within his power to remedy such evils. He had every confidence in Lord John Hay; he had the greatest confidence in the honour of that noble Lord, and that he would give every aid and assistance to the remnant of the Legion; but he saw in the public papers that an officer in the Spanish service had arrived at St. Sebastian, with a sum of money to pay these men, as was said. If that money, however, was intended to be used to induce the men to enlist again, he submitted that it would be the duty of her Majesty's Government to interfere and bring them home. He was confident the noble Lord in command of the British men of war would be no party to such a transaction. He wished to ask the noble Lord opposite what had been done in reference to the bringing home of these men?

Viscount *Palmerston:* In answer to the right hon. and gallant Officer, I beg to state that some time ago it was represented to her Majesty's Government that a considerable number of the persons serving in the British Legion were anxious to return home. Immediately the Government, at some inconvenience, made an arrangement that a frigate and a transport should be sent out in order to bring home those men, and a certain supply of clothing was put on board in case any of them should be in a state of destitution. They arrived at Passages and remained there some days, but the frigate being wanted for other purposes was ordered away; but the transport still remained there in order to bring home any portion of those men who were ready and willing to return; a few only have accepted the offer, and I presume that the men generally do not like to come away until some settlement has been made with respect to their pay by the Spanish Government. It is perfectly true that I have been informed by Sir George Villiers that the Spanish Government have sent an officer in the Spanish service to St. Sebastian with a certain sum of money to settle the arrears due to these men, and to endeavour to reorganise a portion of the legion. But Lord John Hay has communicated to the Admiralty that he considers himself as having the charge of these men, and that he will take care that they shall have free exercise of their will either to accept or refuse such offers on the part of the

Spanish Government. I think the right hon. Gentleman will feel with me the fullest confidence in the assurance of Lord John Hay, and therefore I have no doubt, whether the men remain in Spain or come back to England, that they will in either case act from their own spontaneous disposition.

Sir *G. De Lacy Evans* observed that the right hon. Gentleman had said, that he had the greatest possible confidence in Lord John Hay. So had he; but the right hon. Gentleman had not evinced that confidence by the ardent feeling he had displayed in that House. The right hon. Gentleman had said, that he had received communications respecting the state of the men now remaining at St. Sebastian; and so had he. He knew at least as well as the right hon. Gentleman; nay, he would venture to say a good deal better than the right hon. Baronet, the state of these men. He derived his knowledge from quite as good a source as the right hon. Gentleman. He thought it was rather uncourteous on the part of the right hon. Gentleman to appeal to the name of Lord John Hay without reflecting that it was possible that he was in communication with that noble Lord. The right hon. Gentleman had said the men were in a state of misery and starvation; but he would assert that there was no such thing as starvation amongst them. If there were any difficulty whatever on the part of the Commander-in-Chief at St. Sebastian in supplying the men with provisions, he knew that Lord John Hay was both willing and able to supply them. Although these men had a right to demand permission to return to England in consequence of the non-fulfilment of engagement towards them, yet he had reason to state, from the same authority on which the right hon. Gentleman himself relied, that the men had not been in a worse condition than the troops under his own command. [*Laughter*]. He should like to know whether the conclusion of the sentence would be followed by similar cheers from the Gentlemen opposite, and that those troops were not in so bad a state as the British army was at different periods during the Peninsular war. The right hon. Baronet and other hon Gentlemen on his side of the House were often using the word " humanity," but he should like to have heard that right hon. Baronet, or those other hon. Gentlemen, offer some suggestions, or make some appeal to her Majesty's Government in the cause of humanity, at the same time stating that they would support that Government in any interference on their part to avenge the foul murders that had been committed under the Durango decree.

Sir *H. Hardinge*: I have to observe I shall never, during the exercise of my Parliamentary duty, think it necessary to regulate my conduct by the opinions of the gallant officer opposite. I beg to remind him and the House that their late commander, Brigadier-General O'Connell, has declared, in his officical order of the day, that the conduct of the Spanish authorities towards the legion was infamous. When the hon. and gallant Officer rises to vindicate them, and the treatment of those men by the Spanish government (and of course it is a vindication when he says that the men are not suffering), I assert that their treatment has been, not only from information I have received, but also from a public document of their officers, and more especially from the official statement of Brigadier-General O'Connell, that their treatment has been of the most infamous description.

Sir G. De Lacy Evans again rose, but was prevented from addressing the House by loud cries of " Chair!"

The *Speaker* said that the House must perceive it was not with his concurrence that any additional observations had been made after the noble Lord the Secretary for Foreign Affairs had answered the question put to him; but the hon. and gallant Officer (Sir G. De Lacy Evans) appealing to the House to be heard, the House had extended to him that courtesy; and he (the Speaker) had now to appeal to that hon. and gallant Officer and the House whether it was not fit that this conversation should cease.

Lord *John Russell* thought, after what had fallen from the right hon. Gentleman in the chair that this conversation ought not to proceed; and he was certain that if his hon. and gallant Friend perceived that it was for the advantage of the House that he should make a sacrifice of his own personal feelings by foregoing any further expression of them, he would readily do so.

Conversation ended.

ORDER OF THE BATH.] Mr. *Bradshaw* said, that, having seen it gazetted that her Majesty had appointed Colonel

De Lacy Evans to be knight commander of the most hon. military order of the Bath, he wished to put a qustion to the noble Lord the Secretary of State for Foreign Affairs. He wished to know from that noble Lord whether the appointment of Colonel De Lacy Evans had passed in the regular course through the war-office, on the recommendation of the Commander-in-Chief? He understood that, in all cases whatever, her Majesty—

The *Speaker:* The hon. Gentleman will put his question.

Mr. *Bradshaw:* Has the appointment passed through the regular channel—that is, through the Horse Guards?

Viscount *Palmerston:* The answer which I have to make to the hon. Gentleman is, that the appointment of Sir George De Lacy Evans to be knight commander of the Bath was made in the usual manner by her Majesty's Government, and upon their own responsibility. The hon. Gentleman is mistaken in supposing that it is at all necessary, or has been the invariable practice, that the exercise of the discretion of the Government in recommending persons to the Crown for that honour should be governed by any recommendation, or, even what is less, by the advice of the person at the head of the army. With regard to the appointment itself, I shall merely say that I humbly venture to think that it was earned and well bestowed.

Sir *A. Dalrymple* wished to ask the noble Lord a question with reference to the answer which had just been given to his hon. Friend. He wished to ask whether Sir George De Lacy Evans had been appointed knight commander of the Bath as one of the ten foreign officers who, according to the rules of the institution, were eligible for that honour?

Viscount *Palmerston:* No; he has not.

Sir *G. De Lacy Evans* said, that as he had had the honour of a communication with the noble Lord at the head of the army, the nature of which was rather incompatible with the questions which had just been put by the hon. Member for Canterbury, he thought, that as this was somewhat a subject of a personal kind to himself, he might be permitted to ask that hon. Member, whether he had any authority from that noble Lord to put those questions?

Mr. *Bradshaw* said, he had not any authority from Lord Hill to ask those questions; but he had received communications from many officers of the army who felt it to be to them an unjust appointment.

Subject dropped.

Russia.] Mr. *Maclean* wished to ask the noble Lord, the Secretary for Foreign Affairs, whether, subsequently to the correspondence laid on the table of the House with regard to the affair of the Vixen, other correspondence had not taken place between himself and Mr. Bell, as well as the authorities of St. Petersburgh and Constantinople? If so, whether he would have any objection to place that correspondence likewise on the table of the House? He had also another question to put to the noble Lord. He had received information of an outrage having been committed in the passage of the Dardanelles upon a certain merchant vessel, and he wished to know whether any such communication had been received by the noble Lord and which he (Mr. Maclean) understood had been made to the authorities at Constantinople? The hon. and learned Gentleman then read an extract of a communication which he had received from the agent employed by the merchants, to the effect, that a merchant vessel recently arrived at Liverpool was twice fired at by a Russian brig of war, under the supposition that it was a corsair. But the merchant vessel having passed above the castle, in the channel where she must have shown her papers, there could be no shadow of excuse for firing on her in pretence that she was a corsair. It was also stated, that a protest had subsequently been made against this proceeding, and he wished to know from the noble Lord whether these statements were true or not?

Viscount *Palmerston* said, it was quite true that since the date of the papers which had been laid on the table with regard to the affair of the Vixen there had been some correspondence between himself and Mr. Bell, and he had no sort of objection to lay it also before the House. With regard to the transaction to which the hon. and learned Gentleman had alluded, he begged to say, that he received two days ago an account which, however, differed in some material respects from the statement which had been made to the hon. and learned Gentleman. It had been stated to him, that two English merchant ships were lying at anchor within the passage of the Dardanelles, and that a Russian brig of war, which was passing either up or down, fired a blank gun at one of the merchant ships to make her show her colours, which she did; and then fired another blank gun at the other merchant ship to make her show her colours, which that ship also did. He understood, that it was the invariable practice at sea when ships of war of any country met merchant vessels without colours to invite them to show their colours by showing their own; and if this was not complied with, then to make them show their colours by firing blank guns at them. A question might arise, whether the Russian brig of war was, according to the law of nations, entitled or not to require a ship under the circumstances stated by the hon. and learned Gentleman to hoist its colours. Upon that question he was not at present prepared to express an opinion one way or the other.

Mr. *Maclean:* Then the noble Lord has not received any communication that these ships were fired on with shot?

Viscount *Palmerston* said, he had got the protest of the two masters of the vessels, which distinctly stated, that the two guns fired were blank.

BREACH OF PRIVILEGE—MR. O'CONNELL.] Viscount *Maidstone* said: Seeing the hon. and learned Member for Dublin in his place, I wish to ask him whether some sentiments which I perceive reported as having been delivered by him, in a speech made by him on Wednesday, the 21st of February last, at a dinner at the Crown and Anchor Tavern in the Strand, over which Sir George De Lacy Evans presided, are substantially correct? I will read this paper to the House, and I hope the hon. and learned Member will do me the pleasure of telling me afterwards whether this is substantially a correct report of what he said on that occasion. The following is from *The Morning Chronicle:*—

"Corruption of the worst description existed, and, above all, there was the perjury of the Tory politicians. Ireland was not safe from the English and Scotch gentry. It was horrible to think, that a body of Gentlemen—men who ranked high in society, who were themselves the administrators of the law, and who ought therefore to be above all suspicion, and who ought to set an example to others—was it not horrible that they should be perjuring themselves in the Committees of the House of Commons? The time was come when this should be proclaimed boldly. He was ready to be a martyr to justice and truth, but not to false swearing; and, therefore, he repeated, that there was foul perjury in the Tory Committees of the House of Commons."

There is another extract from the same speech, as reported in *The Morning Post*, and which is not in *The Morning Chronicle:*—

"He did not mince the matter—his words might appear in the public press, he hoped they would—Ireland was not safe from the perjury of the English and Scotch gentry, who took oaths according to justice and voted according to party."

Now, Sir, when I saw these sentiments reported as having been said by the hon. and learned Member, I said to myself, that it would be but fair towards the hon. and learned Gentleman, to bring the subject forward, and we will, therefore, give him the very earliest opportunity to contradict them. Because, I do say, that the words themselves contain an aspersion upon Members belonging to this House, which I, for one, should wish to see wiped out at the very earliest opportunity possible. Now, Sir, I ask the hon. and learned Member to give me a plain answer to the question I have put to him, as I cannot proceed any further until I have his explanation.

Mr. *O'Connell:* Sir, I am exceedingly obliged to the noble Lord for giving this publicity to the sentiments I entertain on the subject of Committees of a particular description in this House. Sir, I did say every word of that—every word of that; and I do repeat, that I believe it to be perfectly true. Is there a man who will put his hand upon his heart and say upon his honour as a gentleman, that he does not believe that that is substantially true. Such a man would be laughed to scorn. It is a hideous abuse. The public press has taunted you with it. The last time I addressed the House upon the subject, I read a paragraph out of the *Morning Chronicle*—

The *Speaker:* I wish to make a remark as to the regularity of our proceedings. The hon. and learned Member having answered the question, I must now appeal to the noble Lord to know what motion he intends to make. [Cries of "Move."]

Viscount *Maidstone* said, Sir, in consequence of the hon. and learned Member for Dublin having owned that he has said exactly what is stated—in short, having allowed that my statement is substantially true—I give notice of a motion to bring his conduct before the House on Monday next; for I do think that such an aspersion, passed generally upon the Members of this House, ought not to have been made without proof being adduced.

The *Speaker* reminded the noble Lord, that all that remained for him now to do was to give notice of his motion.

Viscount *Maidstone:* Then, Sir, I give notice that on Monday next I shall call the attention of the House to these articles, and to the conduct of the hon. and learned Member for Dublin.

Lord *John Russell* said, Sir, I beg to give notice that, if this complaint be entertained by the House, on Monday next, I mean to bring forward for the consideration of this House the charge of the right rev. Prelate, the Bishop of Exeter, respecting an allegation of perjury on the part of certain Members of this House.

POOR-LAWS (IRELAND).] The House in Committee on Poor-law (Ireland) Bill, On clause 41, which regulates the relief in workhouses, being proposed,

Mr. *Lucas* rose to move, that certain words be inserted therein, by which he intended to raise the question of settlement. He did not, however, think, that it was a question which could be fitly considered in Committee. He thought that a question of such importance, one that if admitted, would alter the whole frame of the Bill, ought to have been discussed in the House itself, and not only was that his opinion, but it was the opinion of the House last year, when on his bringing forward this question in a Committee of the whole House, a very decided opinion was expressed by the Committee that it was a subject which did not come within the scope of their jurisdiction, and that it ought to receive the consideration of the whole House, and it was accordingly discussed by the whole House at a subsequent stage of the Bill. Nevertheless, as an objection had been taken to this proceeding, he would defer to the opinion which had been expressed, and he would now bring forward this question, which, in his opinion, was of as great importance as any which could be brought under the consideration of the House in connexion with this Bill. He must confess that it was neither agreeable nor encouraging to undertake this question after the experience which he had already had as to the amount of support on which he might calculate. It was a question on which defeat seemed but too probable, when its supporters were likely to be assailed, not only by enemies in front, but even by stray shots from friends in the rear. Nevertheless, the question was of such importance to Ireland, and in its consequences, affecting as it must the peace, the happiness, and contentment of the people of Ireland, of so much importance to this country, that he felt it but his duty, both to the one country and to the other, to take the sense of the House upon it. It would be, perhaps, sufficient if he took a short view of the arguments which had been urged upon the one side and the other, without entering into minuteness of detail. It was in his power to consult the convenience of the House in consequence of the circumstance that a gentleman was appointed by the Government two years back to proceed to Ireland to investigate the condition of the poor of that country, to make a report of what he saw and heard, with the deductions which he drew from the information he had acquired, and to deliver his opinion to the Government in order that they might frame a measure for the relief of the Irish poor. Upon his return, that gentleman very decidedly gave an opinion against a provision for settlement. His arguments, however, in favour of that conclusion appeared by his own admission not to be altogether satisfactory. When that gentleman was in England last year, he was present at the debates which took place upon this question, and when circumstances, to which he need not more particularly refer, interrupted the further progress of the Irish Poor-law Bill, he was upon the dissolution of Parliament sent again by the noble Lord at the head of the Home Department to investigate the circumstances in which Ireland was placed with respect to this question, to collect fresh facts, to compare those facts, together with the information which he had previously obtained, with the arguments which had been employed both for and against the question, and to make a final report to the House upon the subject. This report was now before the House. As that gentleman in his second report had expressed a confirmation of the opinion which he had delivered on the question of settlement, and as he was directed by the Government to consider all the arguments that had been adduced on both sides, which bore on the great branches of the question of a poor law, it might save the time of the House if he referred hon. Members to the second report of Mr. Nicholls, presented this year, for a statement of the arguments against a provision of settlement. If, therefore, he allowed this statement to be correct, he thought that he was entitled to employ the admissions which Mr. Nicholls made as arguments in favour of the question of settlement, which its opponents could not deny, and could not fairly object to. The first enactment of settlement in England proceeded on the assumption of a natural and universally acknowledged right. It was founded on a feeling that we all acknowledged—that one's own countrymen were entitled to our assistance and charity beyond all others. This was a feeling which grew stronger when it affected fellow-townsmen and fellow-parishioners, and undoubtedly, after the ties of blood, the ties of neighbourhood, in their most extended as well as in a confined sense, exercised a proportionate-influence over the human mind. Any law, therefore, which laid a settlement on that foundation would have the willing assent of the people in its favour, and any law which shocked that feeling would be obstructed and interrupted at every step by the prejudices and prepossessions of the country for which it was intended to legislate. Now, if it were supposed by the House that what he had stated with regard to mankind in general was not applicable to Ireland in particular, they would not take a correct view of the case. His countrymen were now ready to give charity to every passing stranger, and would do so ten times a-day. But if it were attempted by act of Parliament to fix such a burden permanently on their purses, it would be resisted in Ireland as much as it would be in other parts of the world. Settlement was not to be got rid of in any other way than by a national rate. It consisted of two things which were essentially different, although the distinction had not been sufficiently observed. The first branch of it was the fixing of a rate as payable for a certain district in certain parts, but the second branch of the question was totally distinct from the first, and involved the allocation of the pauper by fixing a charge for his relief, and fixing his actual residence in a particular district. He proposed to use the words "allocation of the rate" and "allocation of the pauper" as distinct terms, which, however, had been mixed up too much together. Now, with regard to the allocation of the pauper, it was proposed by the bill to do away with it entirely, and in that he perfectly agreed with the framers of the measure, as it would leave the poor man free to proceed where labour was most in demand, and where provisions were cheapest. Even if they were agreed as to the abandonment of the principle of allocating the paupers, the inconvenience would still remain of maintaining the allocation of the rates; and this inconvenience they never could get rid of until they established a national rate, leviable indiscriminately upon the whole of the country. They were now enacting what he considered to be an entirely new law of settlement, essentially different from any other form of settlement with regard to the payment of the rates. This novel allocation of the rates would have neither the feelings nor the prejudices of the people arrayed in its favour. It was equally repugnant to sound reason; for if the principle were established that relief should be given to the casual pauper, what means could they have, in numerous instances, of inquiring into the actual circumstances of the persons applying for relief—of ascertaining (supposing them to come from a distant place) whether they had friends of their own capable of maintaining them, or whether they had fled from the pursuit of justice? But a settlement, it was alleged, would give rise to endless litigation. Under the English poor-law system, said the opponents of the principle which he advocated, the litigation was interminable; and surely it was not desirable that so pregnant a source of feud and difference should be imported into Ireland. He had examined with some care how far the argument on the score of litigation should be fairly extended and whether, in point of fact, the alleged inconveniences and hardships would arise. In England he found that the litigation had almost uniformly been parish litigation, each parish being compelled of necessity to defend its funds from undue claims. Now, supposing the establishment of eighty unions in Ireland upon this scale, one union would comprehend about an equal space with 103 English parishes; and as the litigation, according to his supposition, could only arise amongst the different unions, if the English law of settlement were established in Ireland, the litigation would be decreased one hundred fold. Again, the desire for litigation was generally found to be proportioned to the interests at stake, and to the risks which the parties incurred. Now, as it was estimated that the expense of maintaining a pauper in Ireland would be just one-third of the expense incurred for the maintenance of an English pauper, he might legitimately infer that the amount of litigation would be limited in proportion. But it was also in the power of the House to adopt measures which would limit the evils of litigation; and one of the greatest of those evils would be admitted, he believed, to be the expense attendant on legal proceedings. Why might not the House relieve the proceedings connected with the administration of the poor law in Ireland from the expense of stamp duty? Ten or fifteen years since an excellent law had been introduced into Ireland for the encouragement of savings amongst the poorer classes. Parliament had upon that occasion relieved all the proceedings which might arise out of the Savings' Banks Act from the expense of stamp duty; and they were by analogy bound to do as much now with reference to the poor-rates. By the measure to which he referred it was enacted that all proceedings, where the amount sued for did not exceed 50*l.*, should not only be free from stamp duty, but, instead of being subject to the expensive and cumbrous jurisdiction of the Court of Chancery, should be referred to the decision of a barrister properly authorised for that purpose. The same principle might be adopted with equal advantage in the present instance. The settlement by unions appeared to him too large to obtain a sufficient degree of local interest. Still, with proper modifications, he believed that that principle might be adopted with advantage. Under the English Bill, it was at the option of the guardians of parishes comprised within the same union to declare whether they would consent to have their respective parishes joined or separated for the purpose of special rating. Some boards decided in one way, others in a different way. This power, however, existed in the guardians. According to this very Bill the power was conceded to the board of guardians of dividing the unions into electoral districts. Now, this division might as easily be made applicable to the distribution of the unions into rating districts, as to elective purposes. If Mr. Nicholls was right in assuming, that single parishes would be too small—and if others were right in asserting their belief that the contemplated unions would be too extensive for rating purposes, here was the medium which he (Mr. Lucas) proposed—namely, the concession to the board of guardians of the power of dividing the unions into rating districts, as well as into electoral districts. The effect of the clause without a settlement would be the influx of paupers from the poor into the rich districts. Had he not a right to demand, that Ulster should not be burthened with the expense of maintaining the poor of Connaught and Munster? There was another circumstance, too, which would add to the force of this objection. It was very probable that when this Bill should have passed, what was termed the clearing estates of the superabundant population would take place to a very considerable extent, and it was equally probable that that superabundant population, if without any other resource, would repair to the district where there was the greatest chance of their obtaining support. Again, the Bill made it optional on the part of guardians to give relief in the only cases, in which under any circumstances it was to be given—viz., those of destitution; and the argument against the settlement was, that they had the power of refusing that relief, that was to say, they had the power of suffering the pauper to perish. Now, that was a power which he thought would never be exercised, and he was borne out in the opinion by Mr. Nicholls, who said, "it might be safely assumed that in no case would the poor be suffered to perish." What, then, became of the defence against his argument in favour of the settlement, which defence rested upon the power of refusing relief, when it was evident that relief would eventually be granted notwithstanding this power? The only other argument against him was the intricacy of the accounts, in answer to which he could only say, that they might be conducted at a very trifling expense. He conceived he was entitled to assume, that any admission of Mr. Nicholls favourable to a settlement, he having been chosen by Government, made against the opponents of that system. The hon. Member quoted some passages from Mr. Nicholls's report, to show that that Gentleman's opinion was, that if a right to relief were given, it would strengthen the arguments in favour of a settlement. Now, he conceived he had shown that a right, or what was tantamount to a right, was given by the Bill. He, therefore, called on the framers of the measure to act towards Ireland as they had acted towards England, and to give them that part of the English law—the law of settlement—which they had found to work beneficially, instead of trying with Ireland an experiment they had not thought fit to try for themselves. He thought, the manner of imposing the rate adopted in the Bill would be a check upon industry, as those who did not pay *5l.* a-year for their holdings might be withheld from increasing its value in order to escape the payment of the rate. The hon. Member concluded by moving, that in clause 41, empowering the guardians to give relief at their discretion in workhouses, the following words be introduced:—At the cost of the districts wherein they may have respectively acquired a settlement.

Mr. *French* opposed the amendment. Its effect would be, to open the question of settlements altogether, and he believed, that settlements if introduced, would be not only useless, but dangerous, in their effects, and would introduce all the evils and complications which had been produced by the English law, and law expences to a great amount would be in consequence incurred. The law of settlement besides was by no means necessary to a compulsory system of relief. With regard to the argument on the point of the emigration of the paupers from the poor to the wealthy districts, he conceived it would not apply; for the same system of rating would be put in operation throughout the country, and they would be as well cared for in one county as in another, and consequently would have no interest in moving their position.

Sir *W. Brabazon* objected strongly to the Bill, and urged the Government to withdraw it if they did not wish to lay the foundation of revolutionary feelings in Ireland. The Bill itself was nothing but a tissue of absurdities.

Sir *E. Sugden* thought, that the unions could be preserved and maintained by a local rate, and that this would be much better than a general rate, as the control that would be exercised over the expenditure by the local authorities would be extremely strict. If, however, they adopted the law of settlement in Ireland, he thought they would let in a crowd of evils. He therefore could not agree with the proposition of his hon. Friend, the Member for Monaghan.

Mr. *O'Connell* would ask, if they did not give a law of settlement in Ireland, how they could expect tranquillity? One man might administer his estate to the benefit of the population on it, while his neighbour might pursue such a course as to pauperise his estate; would it not be an act of injustice to throw the charge of the poor of the latter estate on the owner of the former? For instance, he might take the case of the gallant Member for Donegal, who managed his estate in such a way as to benefit the whole of the population on the estate, while, according to the report of Mr. Nicholls, there was a large property in his neighbourhood, the charge of the maintenance of the poor on which would more than swallow the rental. He felt it to be a matter of duty, although it was with great reluctance, to support the amendment of the hon. Member for Monaghan. If that Bill were given to Ireland, he thought that it was absolutely necessary that it should be accompanied with settlement and the right of relief.

Mr. *Litton* thought, that there might be a law of settlement provided for Ireland that would be simple in its enactments and beneficial in its tendency. The three simple principles which he should require, would be residence of three years, birth, or marriage. If there were no law of settlement the value of property would often be swamped by the pauper population moving upon an estate from neighbouring pauperised districts. He thought, that for the satisfactory working of the Bill, there should be some law of settlement.

Lord *J. Russell* did not think, that it would be expedient, under the present circumstances, to adopt a law of settlement in Ireland. He would put the case of a person in a county removed from the place of his settlement. He would be told in case of destitution—"You have no settlement in this county, therefore you are not entitled to relief."

He would be driven to the place of his settlement before he could claim relief, and would, of necessity, become a mendicant before he reached his place of settlement. For his own part he disagreed with the hon. and learned Member for Dublin, as to the merits of this Bill, but he never imputed to that hon. and learned Member that he was actuated in his conduct with respect to this measure by any other motive than a belief that it would not tend to the benefit of the people of Ireland. He believed, that if the hon. Member had wished to consult the popular feeling on the subject, that he would have better conciliated the people by calling for general relief. He believed, that the hon. and learned Gentleman took an exaggerated view of the evils that would arise from the adoption of this measure; but he had no doubt of the sincerity of the intentions of the hon. Gentleman. He did not mean to say, that they could obtain everything by this Bill; but seeing the great evils that had arisen from the law of settlement in England, he thought, that they ought to hesitate before they made a positive enactment on the subject with regard to Ireland. He did not mean to say, that hereafter there might not be a law of settlement in Ireland; but he did not think, that it would be expedient to act upon this principle in the first instance. The hon. and learned Gentleman opposite proposed, that settlement should be allowed after three years' residence, by birth, or marriage. Now he (Lord J. Russell) doubted much whether there could be any settlement that would not lead to general settlement. A law of settlement had the effect of circumscribing the market for labour; and this was the great evil anywhere, but more particularly so in Ireland. Considering the inconveniences arising from this law, he trusted the House would not permit it to form a part of the present measure. If it were once admitted into the Bill, it would be extremely difficult afterwards to get rid of it, or even to make any alteration in it.

Lord *Clements* thought, that the Bill as it stood at present would give a practical settlement, and also a practical right to relief. He was, therefore, inclined to stand by the Bill as now drawn up, because he thought that they might get rid of the evils complained of without circumscribing in the slightest degree the market of labour. Indeed, there was at present in Ireland a strong practice of settlement, which he considered would be stronger than any which they might enact by law. In many parts of Ireland no man could obtain labour, unless he was known in the immediate neighbourhood, or had connexions with individuals living therein. Half the assaults and beatings which took place in Ireland were owing to the attempts of labourers to obtain an industrial residence in neighbourhoods to which they did not belong, or in which they were not known. At present, a man might be known in two or three different neighbourhoods, and have a chance of obtaining labour in them all; but if the House made an enactment of settlement, it would probably diminish his chance of getting employment, even in the district where by location he had most a right to it. At the same time, he must observe, that he was anxious to make the property of a district responsible for the destitution which took place within it.

Mr. *Wyse* concurred with the noble Lord who had preceded him, in stating that there was already a practical law of settlement in Ireland, which was observed in all applications made for relief to the different fever hospitals and houses of industry in that country. He thought that that practical law of settlement would be administered with greater discretion by the board of guardians than any new law of settlement which might be introduced under the authority of an Act of Parliament. After the improvements which had been introduced into the Bill of this year, he felt himself bound to vote against the amendment proposed by the hon. Member for Monaghan. The greatest improvement in the Bill of this year was, that it was to be simultaneous in its operation in all parts of Ireland. That would prevent the influx of paupers from one district into another, and thus would prevent any district from being burdened beyond its due proportion for their relief.

Sir *E. Hayes* said, that those who opposed a law of settlement contended that if it were established, there should be concurrent with it a right of relief. Now, he supported the amendment, because he felt satisfied that a right of relief existed under the Bill. He could see no fair chance of the working of the Bill unless it were accompanied by a law of settlement, and if that were conceded it would materially contribute to the success of the Bill.

Mr. *Barron* was of opinion, that a practical law of settlement should exist under the Bill. In his opinion, the establishment of a law of settlement in Ireland would amount to a confiscation of the whole property of the country, and he could not, therefore, agree to the amendment before the House.

Mr. Sergeant *Jackson* felt this whole question to be one of great difficulty. He thought the clause before the House one of the most important in the Bill, and he therefore felt bound to submit his views as to what appeared to him the best mode of carrying out the objects of the Bill. He was surprised at the arguments that had been urged from the other side of the House, but he confessed that he heard no answer to the arguments of his hon. Friend, the Member for Monaghan, and of his hon. Friend, the Member for Coleraine. His hon. Friend, the Member for Donegal, had stated, that a right of relief would exist under the Bill. He (Mr. Jackson) had looked to the clause, and he found no right to relief. Undoubtedly there ought to be a right to relief from the soil of any country to every person incapable of supporting himself. He thought the aged, the infant, and the impotent, were entitled to a right of relief in cases of destitution, and that every principle of religion, and morality, and sound policy, dictated that such relief ought to be granted. He thought, that the right of relief should be confined to those classes he had enumerated, and that concurrent with it they ought by all means to have a law of settlement. Without a law of settlement, the poorer parts of the country would inundate the more wealthy parts, and every large town would become a sort of mendicity house for the surrounding poor. It appeared to him that a law of settlement was absolutely necessary to make the Bill work.

Mr. *Walker* trusted, that the Government would not yield one iota of the Bill to the opposition given by those who were averse to its principle, and who now sought to attack it in detail. It would appear from what had come out in the course of the discussion that the Bill seemed to be considered a measure for the improvement of property rather than for the relief of the poor. He would oppose the amendment, and hoped that the Government would adhere to the principle of the measure.

Mr. *W. Roche* thought, that the law of settlement would open up a source of great dissatisfaction and litigation, would tend to narrow the feelings of the Irish people, would impede the diffusion of labour, and would, in fact, be more injurious to the poor than to the landlords themselves.

Mr. *Shaw* said, weighing the good against the evil, and striking the balance, he thought the better course would be, to dispense with the law of settlement. He was of opinion that his hon. Friend had failed in showing that the adoption of the law of settlement would afford a security against the apprehended evil of an inundation of paupers. He decidedly objected to allocating the poor. It was felt by his hon. Friends that it would be impracticable if they had the law of settlement to send the paupers home to their distant parishes; and it was therefore proposed that they should be maintained in the parish to which they applied for relief, but at the cost of the parish to which they belonged. Thus there was to be a debtor and creditor account kept between these several parishes. It appeared to him that such a system would lead to great confusion, and almost interminable litigation. There was another ground of objection to the proposition of his hon. Friend. If they had a law of settlement they must give a right to relief, because it would be a gross injustice to oblige a pauper to return to his own neighbourhood, which he had left on account of not being able to procure labour there, and then refuse him relief. As regarded the powers of the commissioners, he would place full confidence in them, and invest them with as much authority as possible. Under these circumstances, feeling that the question was one of great difficulty, he thought the better way would be to dispense with the law of settlement.

The Committee divided on the amendment:—Ayes 31; Noes 103: Majority 72.

List of the Ayes.

Bailey, J., jun.
Bateson, Sir R.
Bodkin, J. J.
Bridgman, H.
Callaghan, D.
Cole, hon. A. H.
Cole, Visct.
De Horsey, S. H.
Fergusson, Sir R. A.
Forbes, W.
Hayes, Sir E.
Hodgson, R.
Hughes, W. B.
Irton, S.
Jackson, Sergt.
Jones, T.
Litton, E.
Maidstone, Visct.
Meynell, Captain
O'Connell, D.
O'Neil, hon. J. B. R.
Pringle, A.

Pusey, P.
Verner, Colonel
Vigors, N. A.
Vivian, J. E.
Wakley, T.
White, S.
Williams, W.
Wrightson, W. B.

TELLERS.

Lucas, E.
Somerset, Lord G.

List of the NOES.

Acland, Sir T. D.
Adare, Visct.
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Barron, H. W.
Barry, G. S.
Bateman, J.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. H.
Blake, M. J.
Bolling, W.
Brabazon, Lord
Brabazon, Sir W.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Chalmers, P.
Chapman, Sir M.L.C.
Chester, H.
Clements, Viscount
Courtenay, P.
Curry, W.
Dalmeny, Lord
Darby, G.
Davis, Colonel
Easthope, J.
Ellis, J.
Fergusson, rt. hon. C.
Finch, F.
Fitzsimon, N.
French, F.
Grattan, J.
Grattan, H.
Greenaway, C.
Hawes, B.
Hobhouse,rt.hon.SirJ.
Hobhouse, T. B.
Horsman, E.
Howard, P. H.
Howick, Visct.
Hume, J.
Hurt, F.
Hutton, R.
James, W.
Jephson, C. D. O.
Jervis, J.
Langdale, hon. C.
Lowther, J. H.
Macleod, R.
Mahony, P.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Maule, W. H.
Maunsell, T. P.
Miles, W.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
Packe, C. W.
Parnell, rt. hon. Sir H.
Pease, J.
Perceval, hon. G. J.
Power, J.
Redington, T. N.
Roche, E. B.
Roche, W.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Scrope, G. P.
Shaw, rt. hon. F.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stewart, J.
Stuart, V.
Style, Sir C.
Sugden, rt. hon. Sir E.
Talbot, J. H.
Thornley, T.
Townley, R. G.
Tufnell, H.
Turner, W.
Vivian, Major C.
Vivian, right hon. Sir R. H.
Walker, C. A.
Westenra, hon. H. R.
White, L.
Winnington, T. E.
Wood, G. W.
Woulfe, Sergeant
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Gordon, R.
Wood, C.

Mr. *W. S. O'Brien* rose to propose the addition to the clause of the following proviso :—" That it shall be lawful for the guardians, with the consent of the Commissioners, to direct, that relief shall be given to any destitute person who shall from infancy, old age, or infirmity of body, be wholly unable to work, without requiring that such person shall reside in any workhouse; and to make such other provision out of the workhouse for the destitute poor as is hereinafter authorised and directed." It appeared to him, that measures of relief ought to be adopted for the able-bodied poor by means of emigration, the cultivation of waste lands, and by employment on public works. The following enumeration would be found, he believed, to comprehend all those classes to which his motion referred ;—First, lunatics; for though there were asylums in Ireland for sufferers of this class, they were quite inadequate. Secondly, persons afflicted with incurable diseases, epilepsy, &c., for whom there ought to be established hospitals in each county. Then orphans, and with reference to them he must say, that he fully entered into the importance of a clause proposed last year by the hon. Member for Waterford, that orphan children should be wholly separated from the other inhabitants of the workhouse, and that, in fact, they ought to be placed in some other and appropriate establishment. Next came aged persons who had no children or others able to support them. It appeared to him that such persons were proper objects of out-door relief. Young children incapable of earning a livelihood seemed another class well deserving of out of door relief. Sixth, he wished all persons of middle age who were afflicted for any length of time with sickness to be made eligible to out of door relief. Lastly, persons who from any accidental causes were disabled ought to have relief administered out of doors. All these classes consisted of persons for whom out of door relief was the proper, humane, and rational mode of relief. But the bill did not in any shape afford the means of giving out of door relief to these classes to the guardians at all, and it was said, that a poor-law on these principles would be either inadequate, or so expensive as to overcome the resources of the country. Now, he begged to ask the noble Lord if he thought 80,000 persons were all that this bill gave the power to relieve. The only person who had attempted to sustain this calculation of Mr. Nicholls was Mr. Stanley, and he thought the hon. and learned Member for

Dublin had sufficiently shown the slender foundation on which this estimate rested. The calculation was made from a view of the state of the population of Dublin, from which it was inferred by Mr. Nicholls that one per cent. of the whole population would be the whole amount of persons to be relieved in Ireland. He should not go into any counter-calculations; he had said enough to show the fallacy of this estimate when he repeated the statement itself. It was obvious that they had a greater amount of money to be expended on a mere system than would be required to support the poor comfortably, and in a manner, too, more agreeable to their own feelings. He was aware that many members from Ireland thought the workhouse system the most economical one. From that opinion he entirely differed. Others said it was better to proceed with things gradually, considering the present state of society in Ireland. He, however, was of opinion that it would be better to grapple with the entire question at once, as there was no likelihood of the number of the poor being less next year. Irish Members coming to that House and asking for the workhouse system could not complain of the answer which they received from English members—"We have built our own workhouses, and if you want them you must do the same." If the House were willing to bestow upon Ireland a million of money, it was much better to employ it on public works—to apply to the foundation of great commercial enterprise, and to the creating a market for English produce. He was of opinion that the management of workhouses was as much likely to be perverted as that of any other institution. It seemed to be taken for granted by those who were unfriendly to the administration of out-door relief, that if the poor in Ireland were allowed to receive out-door relief they would immediately throw the burden of the support of their relations upon the country. He (Mr. O'Brien) could not bring himself to think so. If the rates were properly administered, he thought it would be the endeavour of the rate-payers to see that the rates were diminished instead of being increased. Upon the whole, he thought the guardians should have a discretion in the matter, and that they should be allowed, if they thought proper, or the circumstances of the case required it, to administer out-door relief. In confirmation of the views which he entertained upon this subject, he had last year the honour of submitting to the House the resolutions of a large meeting of the citizens of Dublin, presided over by the Lord Mayor, at which the question was three days discussed. The meeting upon that occasion formed the same opinion upon the subject of out-door relief that he (Mr. O'Brien) did—namely, that a discretion should be left to the guardians to enable them to administer it in cases where they thought it necessary. He had now a similar resolution agreed to by a large respectable meeting of the inhabitants of Belfast, at which, he was informed, nearly 10,000 persons were present. There was another authority upon the same subject, which he would take the liberty of stating to the House, and he did so with greater satisfaction, inasmuch as it was adverse to the opinion which Mr. Nicholls had formed of the public institutions of Dublin. The resolution to which he alluded was passed at a meeting at Dublin, in which it was stated, that the workhouse system should not be the only system of relief, but that a discretionary power should be given to the guardians to administer out-door relief when they thought it necessary. He mentioned that, because Mr. Nicholls had stated, that the charitable institutions in Dublin were unfavouable to the system of out-door relief. In opposition to these authorities what had they? Why, the opinion of Mr. Nicholls alone. He stated as the justification of the refusal of out-door relief in Ireland, that it would be contrary to the object of the English Poor-law Act as administered by the Commissioners at Somerset-house, which was to give nothing but workhouse relief, and that the giving of out-door relief was an unavoidable evil, and only tolerated because it could not be helped. He (Mr. S. O'Brien), for one, thought that it would be as difficult to repeal the Habeas Corpus Act as to repeal those clauses in the English Poor-law Act which gave power to a justice of the peace to order, where he thought it necessary, that out-door relief should be afforded. There was one consideration which might perhaps reconcile him to the bill as it at present stood—namely, the conviction which he entertained that the bill must necessarily work out its own enlargement. Upon this occasion he expected that his amendment would be supported by all English Members who were not disposed to see it enacted in England that there should be no relief except in workhouses, and by all Irish Members who were desirous upon returning home to receive the blessings of their countrymen. Whatever the result of his motion might be, he should have the satisfaction of thinking that he had conscientiously endeavoured to do his duty.

Viscount *Morpeth* said, he must give his most direct opposition to the proposition or rather benevolent proviso of the hon. Member for Limerick, thinking as he did that the worst clauses in the English Poor-law Act, and those which tended most to mar its beneficial progress, were those which extended the right of out-door relief. If they once consented to open the door to out-door relief in Ireland, there would be hardly a family in Ireland which would not take advantage of it and throw themselves upon the fund.

Mr. *W. Roche*, knowing as he did how much the industry, and energies, and abilities of his hon. Friend, the Member for the county of Limerick (Mr. S. O'Brien) were exerted in favour of Ireland, must naturally feel great regret at being compelled to differ from him upon the present occasion. He must oppose the amendment.

Sir *R. Bateson* objected to many parts of the present bill. He could not vote against the amendment of the hon. Member for Limerick, as a resident landlord acquainted with the state of Ireland, interested in its welfare, and possessing the common feelings of humanity. He wished very much that the amendment of his hon. and learned Friend, the Member for the University of Dublin, had been carried, as he thought it would be conferring a great boon upon Ireland. As that amendment had, however, been thrown out, they must endeavour to make the bill work as well as they could. The hon. Member for Limerick had alluded to the public meeting which had been held in Belfast. At that meeting he (Sir R. Bateson) had the honour to attend. There were present at it persons of all religious opinions and distinctions, and not one had ventured to speak in favour of the bill as it at present stood. As the noble Lord opposite (Lord Morpeth) did not attach much weight to that meeting, so neither did he (Sir R. Bateson) attach any weight to the flying visit of Mr. Nicholls which was altogether unknown to any one in the town of Belfast. He must give his opposition to the workhouse system. He could not help thinking that the measure best adapted to the interests of Ireland was one which had been brought in in 1830 by the hon. Member for Limerick, by which each parish was enabled to levy a rate for the support of its own poor.

Mr. *O'Connell* was afraid that the bill, as it at present stood, would give great dissatisfaction both to the rate-payers and rate-receivers, and under these circumstances the measure would be the worst species of medicine that could be administered to Ireland. The hon. Member for Limerick did not intend by his motion to make it imperative on the guardians to give out-door relief, but his object was to empower them, with the assent of the Commissioners, to exercise their discretion towards objects of real distress. The noble Lord (Morpeth) admitted, that on an average, one in each family in Ireland was an invalid, but by this bill that one could not receive relief except all the family went into the workhouse. He hoped the House would accede to the motion of his hon. Friend, as out-door relief would tend to smooth and soften down the harshness of the measure, which, though called a provision for the poor, did not possess a single feature of charity. If a Poor-law bill were granted, let it be sufficiently expansive to meet the exigences of pauperism.

Mr. *Shaw* could not agree to the amendment, as out-door relief would, in his opinion be an abandonment of the spirit of the bill. The permission to give out-door relief would also have a tendency to dry up the sources of private charity.

Mr. Sergeant *Jackson* did not wish to have it go abroad that the workhouse system was one of oppression, as the hon. and learned Gentleman, the Member for Dublin, would have it understood. There were already in Ireland institutions conducted on the same principle. He had that day received a letter from the governor of the House of Industry in Dublin, stating, that the most painful duty which he had to perform was the refusal of the numerous applicants for admission.

Mr. *D. Callaghan* had some experience of the working of the House of Industry at Cork, and he did not believe, that it was at all effective in reducing the amount of destitution. The principal objects of support in that house were the persons who from long residence became domiciliated there. The relief afforded them was not, in fact, temporary, but permanent, and from his knowledge of the workhouse system, he was satisfied that, if the House of Industry at Cork extended from that House to Charing-cross, it would not be sufficient for the demands likely to be made upon it. He was satisfied, that the workhouse system would be totally inapplicable to Ireland. He, for his own part, desired to see the law of settlement extended to that country. He should wish to have relief compulsory, and he was also in favour of out-door relief. Without these he was sure that any Poor-law Bill would, by the bulk of the people, be considered unsatisfactory.

Mr. *P. Scrope* would support the amendment. The evils of out-door relief did not arise from the use but the abuse of that practice. Even those who most strongly advocated the Poor-law and such Bills, were the most anxious to assert that they were not opposed to out-door relief where it could with propriety be given. He should therefore vote for the amendment.

Sir *T. Acland* bore testimony to the manner (as we understood) in which the Cork House of Industry was conducted.

The Committee divided on the amendment:—Ayes 32; Noes 99: Majority 67.

List of the AYES.

Aglionby, H. A.
Baring, H. B.
Bateson, Sir R.
Bentinck, Lord G.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Callaghan, D.
Darby, G.
Fielden, J.
Ferguson, Sir R. A.
Fleetwood, P. H.
Hall, B.
Halse, J.
Hodgson, R.
Horsman, E.
Johnson, General
Mahony, P.
Morris, D.
O'Connell, M. J.
O'Connell, M.
Plumptre, J.P.
Scrope, G. P.
Sinclair, Sir G.
Style, Sir C.
Vigors, N. A.
Villiers, Viscount
Wakley, T.
Williams, W.
Yates, J. A.

TELLERS.

O'Brien, W. S.
O'Connell, D.

List of the NOES.

Acland, Sir T. D.
Adare, Viscount
Aglionby, Major
Ainsworth, P.
Archbold, R
Baring, F. T.
Barrington, Viscount
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Blake, M. J.
Brabazon, Lord
Broadwood, H.
Chalmers, P.
Chapman, Sir M. L.C.
Clements, Viscount
Cole, Viscount
Corry, hon. H.
Curry, W.
Fergusson, rt. hn. R.C.
Finch, F.
Fitzgibbon, hon. Col.
Fremantle, Sir T.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Grattan, J.
Grattan, H.
Greene, T.
Greenaway, C.
Grey, Sir G.
Hawes, B.
Hayes, Sir E.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hurt, F.
Hutton, R.
Jackson, Sergeant
James, W.
Jones, T.
Kinnaird, hon. A. F.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Macleod, R.
Marshall, W.
Maule, hon. F.
Maule, W. H.
Miles, W.
Morpeth, Viscount
Murray, rt. hn. J. A.
Nagle, Sir R.
Nicholl, J.
O'Callaghan, hon. C.
Packe, C. W.
Paget, F.
Parnell, rt. hon. Sir H.
Perceval, Colonel
Power, J.
Pusey, P.
Redington, T. N.
Roche, W.
Rolfe, Sir R. M.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Sanford, E. A.
Shaw, right hon. F.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, V.
Sugden, rt. hon. Sir E.
Talbot, J. H.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R.H.
Walker, C. A.
Westenra, hon. J. C.
Winnington, T. E.
Wood, C.
Wood, G. W.
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Parker, J.
Steuart, R.

Clause agreed to.

On the 42nd Clause being proposed relating to the appointment of chaplains to the workhouses,

Lord *Clements* proposed an amendment to the effect, that the appointment of chaplains should be in the local ecclesiastical authorities of the several religious establishments respectively, instead of in the Commissioners.

Mr. Sergeant *Jackson* thought, it would be best to strike out the clause, and to allow the inmates of the workhouses to go to the places of worship belonging to each class.

Mr. *O'Connell* contended, that the suggestion of the learned Sergeant might apply to Sunday, but that on every day religious instruction might be beneficially afforded. The appointment, therefore, of chaplains, if properly conducted, was essential to the proper working of this system. The great evil of the present system in making appointments of this nature at present in Ireland was, that the controlling power was not left in the hands of each class of religionists. He trusted that an arrangement would be arrived at with respect to this clause, in consonance with the conciliatory spirit which had been hitherto displayed on this occasion.

Lord *J. Russell* saw very considerable difficulty in this clause. His noble Friend (Lord Clements) had suggested that chaplains should be appointed by the ecclesiastical authorities. That proposition seemed to provide for the proper attendance of persons of each religious persuasion. At the same time, if it was adopted, he could conceive a case in which persons would be appointed not disposed to work out the objects of this measure. When persons, too, were nominated by different ecclesiastical authorities, there was a danger of that harmony being interrupted which was so essential. He was not disposed, therefore, to agree to the proposition without giving the Commissioners a voice in the matter, either by way of approval, or that they should possess the power of appointment, subject to the approval of the ecclesiastical authorities. He should, therefore, propose to postpone the clause with the view of framing it in such a manner as to meet with general concurrence.

Mr. *O'Connell* was desirous to make one suggestion; it was this, that the salary should be left altogether at the disposal of the commissioners, who would be thus invested with a sufficient controlling power, it being left discretionary to withhold or stop the allowance.

Clause postponed.

HOUSE OF LORDS,

Monday, February 26, 1838.

MINUTES.] Bills. Received the Royal assent:—Exchequer Bills; Transfer of Aids; and Waterford House of Industry.

Petitions presented. By Lord WYNFORD, from Charlesworth, for an alteration in the Poor-law.—By Lord REDESDALE, from Kidderminster, against the power vested in the Poor-law Commissioners.—By Lord BROUGHAM, from Tynemouth, from Ross (Hereford), from Leek, from places in the counties of Durham and Monmouth, from Dumbarton, Lauder, and other places, all for the abolition of Negro Apprenticeship; from Oldham, and Sheffield, for a commutation of the sentence passed on the Glasgow Cotton Spinners; and from Liverpool and Haddington, for a reduction in the rate of Postage.

THE PENITENTIARY—SOLITARY CONFINEMENT.] Lord *Lyndhurst* rose to call the attention of the House, and especially of her Majesty's Ministers, to a subject of very great importance connected with the administration of criminal justice, and the manner in which the sentences pronounced in the courts of law were carried into execution. Their Lordships were, no doubt, aware that the Penitentiary at Milbank was exempted from the general jurisdiction of the magistrates of the county of Middlesex, and was placed under the direct superintendence of one of the chief secretaries of state, namely, the Secretary of State for the Home Department. It was, therefore, of the utmost importance that every thing which took place in that prison should be observed with the greatest vigilance, and that anything like an abuse of power or an irregularity of proceeding should become the subject of careful and strict investigation. He was induced to make these observations because he had been informed from very good authority that three very young female children had been for a very considerable period of time confined under the separate or solitary system, as it was called, in that establishment. Their Lordships would be surprised to hear, that the youngest of these children, when first committed to the Penitentiary, was only of the tender age of seven years and a half; that another of them had reached to no more than eight years; and that the third and eldest had hardly attained its tenth year. He felt himself called upon to bring this subject before their Lordships principally in consequence of the part which he took during the last Session of Parliament with respect to those bills which came up from the other House of Parliament for the purpose of mitigating the severity of our criminal code. Their Lordships would remember, that in those bills as they came up from the House of Commons there were clauses empowering the judges in the criminal courts of justice to inflict in some instances two years solitary confinement, and in some instances three years of solitary confinement, for certain offences and crimes. He had called their Lordships' attention to those provisions of the several measures as they came under their consideration, and their Lordships agreed with him that a punishment of that nature ought not to exist in our criminal code; and so satisfied were their Lordships of the correctness of the principle he then laid down, that they unanimously agreed that in no instance should any individual be subjected to solitary confinement for a period of more than one month at a time, and for not more than three months, at separate intervals, in any one year. In the instance to which he alluded upon the present occasion, the youngest of the three children had already been subjected to separate and solitary confinement, for in this instance no difference whatever had been made in the mode of punishment, for a period of nearly thirteen months under a sentence of confinement of, he believed, three years. The other two children had also been committed for periods of about the same duration; but they had not yet suffered a punishment so severe or so extensive as that of the child to whom he had referred, and who, as he had already observed, was the youngest of the three. To show their Lordships how utterly improper, a punishment of this description must be for children of such tender years, he was enabled to state, that when one of the children came into the prison, being asked by the matron what she could do for her, the reply of the child was, that she should be most pleased if the matron would kindly give her a doll! And under this system of separate and solitary confinement, so strongly did the children yearn for something upon which to exercise their sympathy, that in the morning they were found sleeping with their bedclothes rolled up in the shape of a doll, and pressed close to their bosoms for the sake of having something like ideal society, at least, in their dreary confinement. He was told, further, upon the authority of a most respectable magistrate, that in this prison, which was under the immediate jurisdiction of a Minister of the Crown, that a person conversing with these children could at once discern that the system of solitary confinement produced in them a marked infirmity of mind, manifested by great impediment of speech, and general difficulty in the expression of ideas. It was extraordinary that in an establishment of this kind, which was meant as a pattern for similar prisons throughout the country, such abuses should exist. But he had not stated the only part of the case which was worthy of their Lordships' attention. The child to whom he had more particularly referred, the youngest of the three, was convicted of theft; that theft was committed at the instigation of its mother; the mother was tried for receiving the goods, and sentenced to six months' imprisonment; the unfortunate child, who, at the mother's instigation, committed the theft, was sentenced to transportation, which sentence of transportation was commuted for three years imprisonment in the Penitentiary, under the system of separate and solitary confinement to which he had directed their Lordships' attention. By the law of England a wife could not be found guilty of felony committed in the presence of her husband. For what reason? On account of the influence which the husband was supposed to possess over the wife. What comparison was there between the influence of a husband over a wife and the influence of a mother over a child of the age of seven years or seven years and a half? He did not say, that by the law of England, as it at present stood, the child should not have been convicted; but still in the administration of punishment, the influence of the mother, which in this instance was proved to be direct, ought to have been taken into account, and ought to have weighed not only with those by whom the sentence was passed, but also with those who were employed to carry it into execution. It was by mere accident that these circumstances had come to light. A gentleman, from motives of curiosity or for the purposes of science, obtained an order to inspect the interior of the prison, when he made the discovery, and immediately communicated it to one of her Majesty's Ministers. Had it not been for that accidental circumstance, it was probable that the three children would have been kept in a state of separate and solitary confinement for the whole term that they were sentenced to remain in the prison. Whether any one of her Majesty's Ministers had interfered to prevent that from being the case he was not at that moment correctly informed; but he trusted that this public mention of the circumstance would induce them to interpose, though late, to prevent such an act of injustice. This was only a part of what he had to say with respect to the Penitentiary. He had another circumstance to relate connected with the same subject. He was informed that two young men—one of them seventeen years of age, and the other of the age of something more than twenty—had been committed to solitary confinement in that prison for the period of a year. What had been the result? One of them, who had previously been a young man of great activity and intelligence, came out in a state of idiotcy, and was now confined as an idiot in St. Marylebone workhouse, being reduced to such a state of utter and hopeless imbecility as to be incapable of being employed even in the breaking of stones. The other was not a person of the same intelligence, but a similar change was produced in him also. Was it possible, having these facts correctly authenticated and communicated to him, and knowing that this prison was under the immediate superintendence of the Government, the magistrates having nothing whatever to do with it, that he should not take the first opportunity of stating them publicly to their Lordships and to her Majesty's Ministers, for the purpose of preventing such abuses for the future. He felt this duty the more incumbent upon him when he was informed, as he had been upon good authority, that it was intended to extend this system of prison discipline and prison government generally throughout the country. He stated the facts, therefore, which had been communicated to him for the purpose of leading their Lordships to consider the absolute necessity of observing great caution in the exercise of the power they possessed, to weigh well what they were doing, and not to proceed without the most careful and the most anxious inquiry, because it was a subject which deeply interested every man who possessed the common feelings of humanity, as well as every man who took an interest in the public welfare. For these reasons he had thought it his duty to bring the subject before their Lordships, and he should now conclude by moving for a return of the number of children under the age of sixteen who had been committed to the Penitentiary during the last seven years, distinguishing the age of each, the sex, the period of commitment, the offence for which committed, and whether committed under the original sentence or under a commutation of the original sentence.

Viscount *Melbourne* admitted, that the noble and learned Lord would in the highest degree have neglected his duty if, being in possession of such facts upon such a subject, he had failed to state them to the House, with the view of inducing their Lordships to interpose and to prevent the continuance of such grievances and such evils, if upon investigation they should be found really to exist. But at the same time, he must be allowed to say, that considering the manner in which the charges contained in the noble and learned Lord's speech affected the character of those who were at the head of the establishment to which he referred, considering the effect which the statement of those charges was likely to leave upon the public mind, he could not help thinking that the noble and learned Lord had acted in a manner not the most fair, nor the most just to those whose characters he had so deeply implicated, in not giving some notice of his intention to bring the subject under the consideration of the House, in order that some one, at least, might have been prepared to enter into the details of the case, and to have stated how far the noble and learned Lord's statement was well-founded and correct, and how far it was exaggerated, as in some respects exaggerated it undoubtedly was. The noble and learned Lord, from the habit of his profession, well knew the importance of the first word upon every occasion. The noble and learned Lord well knew that the effect of a calm and artful statement was not afterwards very easily done away with. The noble and learned Lord very well knew that an explanation, however satisfactory, came a little too late after such a statement as that which he had just made. The noble and learned Lord well knew that the first impression was not easily removed from the minds of men when it was engraven so deep as it was likely to be by the manner in which the noble and learned Lord had made his statement. He said, therefore, that it was due, not to the Government—for that signified nothing—but due to the officers at the head of the establishment to which the noble and learned Lord's observations applied, and whose characters unquestionably were very deeply implicated in the statement he had made, that an opportunity should have been afforded to them of defending their conduct, and of replying to the charges which were alleged against them. With respect to the circumstances of the various cases to which the noble and learned Lord had referred, he was totally unacquainted with them. In the general principles which the noble and learned Lord had laid down it was impossible for him not entirely to concur, because they were completely self-evident. But he must again say, that, considering the effect which such a statement was likely to have upon the mind of the public and upon the character of those who had an awful and responsible duty to perform, he thought the noble and learned Lord would have acted more properly if he had given some notice of his intention to bring the subject forward.

Lord *Lyndhurst:* I hope the statement I made was calm; but I assure your Lordships it was not artful. I stated the facts exactly as they were represented to me. The noble Viscount at the head of her Majesty's Government professes to be ignorant of the circumstances of the case. Why, there is not an individual in the metropolis who does not know of them. Besides, they have been the subject of a correspondence with the noble Lord, the Secretary for the Home Department. That the noble Viscount, therefore, and the other Members of the Government who sit near him, should be ignorant of the facts contained in the statement I have made, shows that they are as ignorant of their domestic duties as they are incapable of managing the colonial government and foreign relations of the country.

Lord *Brougham:* I must trespass upon your Lordships' patience for a few minutes upon the subject of the present motion, because I certainly have had my feelings very powerfully affected and very strongly roused by statements which have been made to me also, as well as to my noble and learned Friend, with respect to the system of punishment practised in the Penitentiary. In consequence of the representations which had been made to me upon that subject, I came down to the House this evening, as my noble and learned Friend accidentally happens to know, with the intention of making a statement similar to that which he had made; but finding that my noble and learned Friend had had his attention called to the subject, and was prepared to make a statement upon it, I was much better pleased to leave it in his hands, knowing that it would gain much and lose nothing by being transferred from mine to his more powerful advocacy. I feel, therefore, although by the merest accident I have not myself committed the offence which is charged by the noble Viscount upon my noble and learned Friend, that I am morally guilty of that offence —that it was no fault of mine, but by mere accident only, that I did not stand in the place of my noble and learned Friend upon the same occasion; in which case, I well know by painful experience, I should have called down upon my own head all that fierceness of the noble Viscount's vituperation which has accidentally fallen upon the more powerful head of my noble and learned Friend opposite. I should have been told that an ex-Chancellor, in which character I am *in pari delicto* with my noble and learned Friend—that an ex-Chancellor interfering by any remarks upon the administration of justice, including the execution of sentences as well as the passing of judgments —I should have been told, that that was an abuse, a crying abuse, which was full of evil example and of pernicious consequences to the tranquil management of public affairs. If there be anything that I more utterly abhor than another, it is, that tranquillity, so agreeable to all men in power, to all occupants of place, whether they have power in it or not. To be comfortable and easy, tranquil and quiet —to have a solitude made all around, and have that solitude dignified by the name of peace—I know by long experience that this is a favourite wish of all men who occupy place in this country. I am astonished that the noble Viscount should be ignorant of the facts contained in my noble and learned Friend's statement. I will not go so far as my noble and learned Friend has gone in flinging back upon him who made it the sneer which applied to himself; but I take leave to say that, if the noble Viscount be in the state of ignorance which, from his statement, I am compelled reluctantly to believe, he is certainly the only person in this country, who attends at all to public affairs (for, from his situation, I presume, the noble Viscount does now and then bestow some attention on what is passing around), who is ignorant of the facts which have been referred to by my noble and learned Friend. But, says the noble Viscount, "This is a charge." Ay, truly, a charge it is; but a charge against whom? "Not against her Majesty's Ministers," says the noble Viscount; "that is neither here nor there; but a charge against the responsible persons at the head of the establishment—the superintendents of the prison in question." Not so. It is not a charge against them that I have heard. No rule of the prison has been violated—no imputation of unwarranted harshness or cruelty has been cast upon the superintendents of the prison. But the prison having certain rules, one of which rules, as notoriously as the sun at noon-day, is, that the persons there confined shall undergo the punishment of separate or solitary confinement—the charge, in this instance, is not that the superintendents have been guilty of a breach of duty—they would have been guilty of such a breach only if they had failed to inflict the cruelty complained of. The charge is, that by virtue of an order, which, as I understand, is not denied—by virtue of an order of the Secretary of State for the Home Department, three children, of the several ages of seven, eight, and nine years, are subjected, as I am at present informed, to two years, but as I now learn from my noble and learned Friend's statement, to three years imprisonment in this establishment, a great portion of which time they have already passed in separate and solitary confinement—an enormity, in my opinion, enough to call down the thunder of public indignation upon the administration of justice and execution of the law in this country. But it is quite unknown to the noble Viscount and to her Majesty's Ministers whether these things are true or not. No notice is taken of them—no inquiry made. How do we know of them? We are not Ministers of State; we are not at the head of the Home Department; the prison is not under our custody; we have no visitorial power over it; we have no right to apply for admission into it, except in the same way as my excellent and valued friend Mr. Fulke, to whose laudable curiosity we are indebted for the discovery of that mischievous iniquity which otherwise would long have remained shadowed and veiled from the public eye—we have no such means of information as her Majesty's Ministers possess — we have no special channels of intelligence—we have no secretaries nor under secretaries, no clerks nor messengers—in fact, none of the machinery by which a Government acquires its information and distributes its commands. And yet it does so happen that, without the slightest communication with each other, I and my noble and learned Friend had heard the very same statement which separately and unknown to each other had put both of us in motion upon the present occasion. The thing was not done in a corner. The offence was created in a corner I admit, and, as I said before, was covered in darkness until accident brought it to light; but the discussion through which alone the knowledge of the offence reached my noble and learned Friend and myself was as public as that which is now going on before your Lordships, with only this difference, that it was much more public, being at a meeting of magistrates, where the public had a right to be present, whereas they are present here only by the courtesy or connivance of the House. Last Thursday—the sun has risen and gone down four times since then, affording ample time to the Government, with its legion of secretaries, clerks, and messengers, to make full inquiry upon the subject—last Thursday it was stated, not in the newspapers, whose assertions might not be credited, but at a public meeting, not of agitators—if it had, perhaps, the statement would have been credited—but at a public meeting of the magistrates of the metropolitan county of Middlesex, by no less a person than the chairman himself, that the circumstances described by my noble and learned Friend were stated to have actually occurred within the walls of the Penitentiary. All London knew of it; it has been a topic of universal reprobation, coextensive with the hourly increasing sphere in which it has been known. All Westminster had talked of it. All Middlesex has pointed its eyes towards the quarter in which the abuse occurred. I will venture to say that it has been more talked of, more discussed, more indignantly commented upon in every corner of this great town, and of this populous country, than any one subject either in or out of Parliament, or in any one of the courts of justice, civil or criminal. How, then, it happens that the only persons who are unacquainted with this matter are those whose duty it is to be most watchful upon subjects of this description is not for me to tell. I make no charge—I impute no blame—I only express my wonder that it should be made a charge against us—against him who brought forward the subject, and against him who intended to bring it forward, that upon a subject so universally and notoriously known a formal notice of motion had not been given in order that the Government might be fully prepared upon such a subject: an active Government would not have been unprepared one hour after circumstances so disgraceful had come to light. There is an additional reason which induces me to take up the statement of my noble and learned Friend, and to support it by every means in my power. Since these abuses in the administration of punishments in the Penitentiary have been discovered it has been very earnestly urged upon me by a very powerful and very valuable body of friends, that it is inconsistent with my duty to confine myself to the condition of the suffering negroes, and not to cast an eye nearer home, where similar enormities are known to exist. Of this I am absolutely certain as that I stand here addressing your Lordships in the face of the people of this country, that had I found among the records of the West Indies—had I found in the history of the cruelties inflicted upon the unhappy African race in our colonies a passage like the present, where children of tender years—it would there have been of the ages of four, five, and seven, answering to what in our colder climate (where the progress towards maturity is more slow) would be six, seven, and nine — had been subjected to such cruelty—if I found that such atrocities had been committed by the sentence of colonial magistrates under the authority of a colonial Government or a colonial secretary upon children of these tender years in the solitary gaols of the Antilles, I should hardly have thought that I could have found so terrible a climax, or brought the statement I have lately harrowed your Lordships feelings by making in this place, so appropriately to a close, as by narrating such a case as that which has been so ably and so calmly described by my noble and learned Friend.

Viscount *Melbourne:* Notwithstanding the statements which have just been made, and made by a very great authority, I still retain my former opinion, that if it be the object of the two noble and learned Lords not to excite impatience in the public mind, not to create a clamour—and surely upon topics of this kind the public mind is sufficiently disposed to be clamorous—if it be their object to have the matter discussed fairly with respect to all the parties concerned, it was incumbent upon the noble and learned Lord who spoke first, just to have intimated to the Government his intention of bringing the subject forward. Where was the difficulty of his just telling me yesterday, when these circumstances came to his knowledge, that he should bring it forward this evening in the House. Would that have been unfair towards me? Would it have been discourteous in itself? Would it have been unfair towards the cause which the noble and learned Lord had to bring forward? Was it not the general course to pursue? Was it not the course usually—nay, I may almost say invariably—pursued upon such occasions? I wish the noble Duke (Wellington) had been here. The noble Duke would rather have cut off his right hand than have taken such a course as that taken by the noble and learned Lord. The noble Duke is a man of honour and a gentleman, the noble Duke is actuated and governed by the feelings of a gentleman and a man of honour, and I feel confident that he would not have acted in this manner. What is the conduct of the noble and learned Lord (Lyndhurst)? Does it not put an end to every thing with respect to notice in this House? Is it to be expected that a minister of state is to be prepared at once, when noble and learned Lords—even of a learned profession —men who have filled the highest offices in that profession—men who from long practice have acquired all the artfulness which belongs to the profession—is it to be expected when such men make themselves masters of the circumstances of any case which may exist in the country, that a minister of state is at the moment to be in possession of such general knowledge, of such complete information, not only of the general aspect but of the particular circumstances of the case, as to be prepared at once to rise and enter into a full detail in reply to any interrogatories that may be put to him on the subject? It is impossible—no man could do it. It is perfectly impossible, and perfectly unreasonable to expect it. The noble and learned Lord (Lord Brougham) says that full publicity has been given to the subject, that it is very well known, and that the circumstances have become the topic of common talk and almost universal comment. That which attracts the attention of one man does not attract the attention of another—and that which, under particular circumstances, may be much spoken of in one part of the country, may not in any respect have reached the knowledge or attracted the attention of persons in another part of the country. I do not say that I have not seen something of this case in the public newspapers; but I have not yet seen such an account of it as would enable me to make a statement upon it in this House, particularly in answer to the very cool, the very calm, and the very artful (I do not intend to use the word in an offensive sense) statement which the noble and learned Lord has made, and in the making of which, more than any other man of the present day, the noble and learned Lord particularly excels. Therefore I do not feel that I have in any respect neglected my duty with respect to the home interests of the country, any more than with respect to the colonial or foreign politics of the country, by not being prepared to make a complete, full, and true statement of facts in reply to the questions of two very learned lawyers—I was going to say—but of two lawyers, I will say, of great eminence, having filled very high situations in the profession of the law. I beg leave, therefore, to say that I adhere to my first statement—that I consider the conduct of the noble and learned Lord upon this occasion to have been highly unfair and highly unjust towards the parties concerned, highly injurious to the public service, and highly inconvenient to the fair and temperate discussion of the question.

Lord *Lyndhurst:* When I brought forward the question I did not for a moment suppose that the Government could be ignorant of the circumstances to which I was about to refer. It has been distinctly stated, and not denied, that the subject has been brought under the attention of the Government. I ask them whether a minister of state discharges the duty he owes to the country if, having such a subject brought under his consideration, he do not immediately commence an investigation for the purpose of ascertaining how far the statement he has received be consistent with the fact? The noble Viscount says, that he wishes the noble Duke had been here, because the noble Duke is a man of honour and a gentleman. That observation, which is true of the noble Duke, was employed by the noble Viscount in such a manner as to bear a different construction as applied to others. I wish to know in what sense the noble Viscount applies those terms? I beg an explanation.

Viscount *Melbourne:* When I said, that the noble Duke was a gentleman and a man of honour, I did not say that anybody else was not a gentleman nor a man of honour.

Lord *Lyndhurst:* Not directly, but by construction. I ask an explanation.

Lord *Brougham:* I do not think that the noble Viscount durst have said, I do not think that any man durst have said—using the term in its Parliamentary sense—I do not think that the noble Viscount or any man in this House dared have said that a peer in the discharge of his duty, bringing forward a subject, and asking for further information upon it from the Government, acted unlike a gentleman or a man of honour because he did not think fit by mere courtesy to give a notice, which it is not the duty of every man to give upon every occasion, and which no man until to-night ever pretended any man had a title to expect as a matter of right. It is uniformly admitted to be a mere matter of courtesy—as a matter of right, never. But, says the noble Viscount, "Oh! that the noble Duke were here, he would never have done anything of this kind; he is too much of a gentleman and a man of honour; the noble Duke would rather have cut off his right hand than have done—." What? Why, that which my noble and learned Friend is charged with having done, and which I most undeniably should have done if my noble and learned Friend had not forestalled me. I now repeat my intention to have brought the subject forward, the more emphatically and distinctly because, if the epithets I have heard used—if the construction indirectly applied to my noble and learned Friend—if the language employed by the noble Viscount—if any of these are to have force, I willingly go into the same predicament, willingly embark myself in the same boat with my noble and learned Friend, now that I find that predicament, by insinuation, so dangerous, and now that I see that boat call down the sharp fire from the heavy artillery of the noble Viscount. While the noble Viscount, enraged and goaded by the substance of my noble and learned Friend's statement much more than by his manner of making it—while the noble Viscount, enraged and goaded by the substance of the charge much more than by the time and manner of bringing it forward, chose to adopt the course of using such language. [*Order!*] I hear a cry of "Order!" from one of the patrons of order—I suppose from one of the "order" Lords—from one of those who are the friends of a stern and inflexible system of discipline in this House: I heard no such cry of "Order!" when the noble Viscount was using language which, to say the least of it, did not seem to be strictly agreeable to the ordinary courtesies of debate. When the noble Viscount, the head of the Government, expressed his indignation in a richness and exuberance of language not common in this House, there was a dead silence; the patrons of "order"—the stern disciplinarians, had not a word to breathe; but the instant that I began to give a commentary upon the language employed by the noble Viscount, a cry of "Order!" burst indignantly from their previously closed and silent lips. I beg to have it understood, in answer to what the noble Viscount says, that I quite agree with him when he asserts that a person in his situation is not chargeable with a neglect of duty merely because he does not know what every other person knows. I quite agree with the noble Viscount on that point. I expressly said that I did not go so far as my noble Friend in his second speech, in which he blamed the noble Viscount for ignorance. What I said was, this, that the noble Viscount's ignorance furnished him with a valid defence against the charge of my noble and learned Friend. True it was, that my noble and learned Friend had no right to suppose the noble Viscount ignorant; but it turned out that he was ignorant, and, therefore, not liable to the charge of neglect. Had my noble and learned Friend happened to know that the noble Viscount was not acquainted with the circumstances he wished to bring under the consideration of the House, he would no doubt have pursued a different course; but, unfortunately, my noble and learned Friend took it for granted that the noble Viscount had the same information as all the world beside. I, in common with my noble and learned Friend, should certainly have thought that the noble Viscount must have known the circumstances of the case, because the magistrates knew it and had publicly spoken of it, because Lord John Russell knew it and had for some time been engaged in a correspondence upon it, and because I never doubted that a thing of this sort once discovered would be brought under the immediate consideration of the Government.

Lord *Lyndhurst:* I must insist upon knowing whether the noble Viscount meant to convey any imputation upon me—whether he meant to imply that in the course I have taken on this occasion I have not acted as a man of honour and a Gentleman?

Viscount *Melbourne:* I beg leave to say that when I made reference to the noble Duke who is not present, what I wished to say was this; that from his very scrupulous conduct upon similar occasions—from the great care which the noble Duke invariably took to advertise those who sat opposite to him of anything he intended to move, or of any course he intended to take, I was satisfied he would not have acted in the same way as the noble and learned Lord has done upon this occasion. The exact manner or the exact terms in which I expressed that opinion I cannot immediately recollect; but I beg leave to say at once, that if I employed any term or said anything which could be construed as implying that the noble and learned Lord had acted in a manner unlike a man of honour and unbecoming a gentleman, I at once retract it.

Lord *Lyndhurst:* I am perfectly satisfied with the noble Viscount's explanation.

The returns were ordered.

MISREPRESENTATION.] Lord *Brougham* said, that he would take the opportunity which presenting some petitions afforded him of contradicting some statements respecting himself which had appeared in a Government paper of yesterday (Sunday,) intimating that he had no doubt altered his opinion on the Poor-laws, and that he had set on the hon. Member for Southwark (an individual not very likely to be set on or set off by the opinions of any other person) to carry into execution some plan, the nature of which he (Lord Brougham) was really not at all aware of, for the purpose of not committing himself with respect to the Poor-law Bill. The same paper also asserted, as a matter which was not at all doubted, that he (Lord Brougham) had also set on another hon. Gentleman (one in all probability as little subject to influence as the hon. Member for Southwark), the hon. Baronet the Member for Leeds to give notice of a motion respecting the administration of the colonial department. With that hon. Baronet he had never been in a room but once; and although he had great respect for the talents and integrity of the hon. Baronet, and agreed with him in many of his political opinions, he by no means agreed with him in them all. But the fact was, that he had never had any political communication with either of the individuals alluded to; and had never had any communication whatever with any human being on the subject of the hon. Baronet's notice. Nay, there was one and that an important part of the hon. Baronet's notice on which he differed from him. As he had already stated in that House he did not think the noble Lord at the head of the colonial department should be exposed to bear the whole of the blame respecting the Canadian question; and if the notice were his he would strike out the noble Lord's name, and extend the charge to the whole Government; every Member of which was, in his opinion, equally liable to the accusation. He wished all public secretaries, and private secretaries, and under secretaries, and over secretaries would employ themselves in earning their respective salaries, rather than in telling such stupid tales to the editors of newspapers; for he was sure that no man in that capacity would invent anything so absurd.

PRESBYTERIAN OATHS.] Lord *Denman* begged leave to present the more comprehensive measure to which his noble Friend (the Marquess of Lansdowne) had adverted in an earlier part of the evening, at being called for by the withdrawing of the Presbyterian Oaths (Ireland) Bill. It was well known that there were many persons not included in the classes, who by law were exempted from the necessity of taking oaths, who nevertheless doubted the propriety of taking them. There was an instance which immediately presented itself before his mind, that of a gentleman of the name of Wedgewood, a son-in-law of Sir James Mackintosh, who withdrew himself from the commission of the peace on becoming convinced of what he considered the unlawfulness of oath-taking. This conscientious conviction also prevented him from taking oaths as a witness in a court of justice. Now the duty of a judge was very severe in such a case. If a party (not already protected by the law) refused to give evidence in a court of justice, it was the duty of a judge to commit him for contempt of court; and he became liable to heavy fine and imprisonment. There was a probability, therefore, that the testimony of the most conscientious persons might thus be lost to the cause of justice. Nor was that a fanciful danger. He remembered last year a respectable gentleman belonging to the Ordnance-office, who felt reluctant, by his sense of what was right, to come forward and give evidence against an accused person; and the consequence was, that there was the greatest danger that a criminal would have escaped conviction. As the law stood, the Quaker was excused from the necessity of taking an oath; but the conscientious minister of the Church of England was not excused. It was, therefore, that he had added a clause to this bill to the effect that whoever declared in a court of justice that he entertained conscientious scruples on the subject of taking an oath should be admitted to make his verbal affirmation, and that that should be considered as evidence; providing, of course, that if his statement were proved to be untrue, he should be held guilty of a misdemeanour, and be liable to the same penal consequences as if he had committed perjury. He was not aware whether or not their Lordships would regard this proposition with favour; but in his opinion it would be inconsistent on their part if they refused to pass this clause as well as the first. He would much rather, however, that the question should not be discussed until after the bill had been printed, than that there should be any hurry with reference to a matter of so much importance.

Bill read a first time.

HOUSE OF COMMONS,

Monday, February 26, 1838.

PENITENTIARY AT MILLBANK.] Mr. *Gladstone*, seeing the noble Lord, the Secretary for the Home Department, in his place, wished to ask him a question relative to some very injurious statements which had been put forth relative to the Penitentiary at Millbank, and which had been made at a meeting of the Middlesex justices. He wished to know whether the attention of the noble Lord had been called to a statement of circumstances which, if true, were as discreditable to the Government as pernicious to the establishment? Had the noble Lord already instituted, or, if not, would he institute, an inquiry into the circumstances; and would he consent to lay on the table of the House the result of the inquiry, before the House was called upon to vote the estimates?

Lord *John Russell* had certainly seen the statements alluded to, but he could not believe, that they could have originated at any sitting of the Middlesex magistrates. Certain circumstances were stated relative to the separation system; but any one who knew anything of that system must know also, that it had never been in force in the Penitentiary at Millbank. It was true, that some separate cells had been made there, but as yet nobody had been confined in any of those cells. Certain prisoners had been named as having been confined in them, and two were mentioned as having been affected with idiotcy in consequence. He did not know the exact state of the persons referred to at the present moment, but he was sure that none of the effects alleged to have been produced had taken place. In the reports, however, which had been made, it had been stated, that these were persons of disorderly behaviour; and complaints had been made that they did not conform to the rules of the prison. Another equally erroneous statement had been made with respect to a convict named Julia Newman. She was sent to the Penitentiary at the express request of the Recorder of London. After some time her conduct was reported to be very violent, and that it had the appearance of proceeding from insanity; but the medical men thought that it was a sham and not real; the case was referred to them again and again from the Home-office; the surgeons were not convinced that there were any real paroxysms, but consented that the convict should be removed to a lunatic asylum, whether she really were mad or not. On this she was removed to the place where the female lunatics were confined. But with regard to the Penitentiary, the prisoners were not sent there by the sole choice of the Secretary of State; they were sent generally after strong recommendations to that effect from the chairman of the quarter sessions, or at the earnest request of their friends, who were anxious that the sentence of transportation might not be carried into effect, but that some means of a return to honesty might be afforded. Under the first of these reasons were the three young persons whose cases had been mentioned received; just as in other cases which were continually happening, in which, after conviction, the magistrates recommended confinement in the Penitentiary. He believed that the whole story which had been propagated was entirely without foundation. If it were necessary to make further inquiry he would not have the least objection to make it, but he saw no use in laying the papers before the House on a statement so extravagant, and which he must say was totally false. He had been informed, also, that the convict Newman, after she had been sent to Bethlem Hospital, had owned that she had feigned insanity in order to obtain a pardon.

Subject dropped.

Breach of Privilege—Mr. O'Connell.] Viscount *Maidstone* rose, he could assure the House, with the greatest diffidence on the present occasion, being but a young Member, and unacquainted with the rules and formalities of the House. He begged, however, distinctly to state, that he brought forward the motion which he was about to submit, not from the suggestions of others, but solely from the dictates and feelings of his own heart. He hoped, therefore, that the *animus*, the intention by which he was actuated, would carry him through, notwithstanding his inexperience and his ignorance of the forms by which their proceedings were regulated. He could assure the House that, having served on an election Committee, (the Salford), and being utterly unconscious, as far as he was himself concerned, of anything like the perjury or the feelings attributed to Members of committees in the speech of the hon. and learned Member for Dublin, it was his wish to take the earliest opportunity of throwing off that imputation, and in adopting that course he felt convinced that he had only done what other hon. Members would have done, if he had himself taken no notice of such an imputation. This was not a charge against individual Members, but an imputation which affected the character of the House of Commons; and if they tamely suffered themselves to be vilified and defamed, from whom were they to look for respect or reverence? Who would defend them if they did not vindicate their own honour and character? He did not look upon this as a party or political question. He would ask hon. Members opposite whether they did not feel themselves equally implicated with Members on that side of the House in a question which referred to the character of the House at large? What would be the situation of the House in the eyes of the country if they passed over such an imputation? They were sent there by their constituents to take care of their own honour, and if they could not defend themselves, to whom were they to look for protection? He believed that when he went back to his constituents, they would one and all consecutively spit in his face if he passed over such an aspersion as this without contradiction. He trusted that the House would not be led to look at this great question as a party quarrel, and that they would not by their decision that night sanction the use of language which must have the effect of warping the determinations of the election Committees which were now sitting. It would infallibly lead them to prejudge questions which they ought to decide honestly and conscientiously. He should be sorry to see such a feeling go abroad, but he hoped that wherever the poison was circulated the antidote might go with it, and he hoped also that it would be known that as soon as the charge was made, it was repelled with that utter scorn and contempt with which he regarded it, and which he must say, it deserved. He begged pardon of the House if his feelings had led him away, and induced him to say anything contrary to the forms laid down for their guidance in debate; but he hoped hon. Members would recollect that the question was, whether the character of the House should be maintained, or whether they would submit to be deprived of a good name. They had to decide whether they would keep their own reputation if they could, and whether anything which they could do in the vindication of their insulted honour would prevent others from assailing and aspersing it like the hon. and learned Member for Dublin. He must say he spoke more in sorrow than in anger. He knew that no notice which the House could take of the language which had been used could have the effect of counterbalancing the weight of the charge which had been brought against them. He would again repeat, that it was more in sorrow than in anger that he moved for a vote of censure against the hon. and learned Gentleman. He would now deliver the speech of that hon. and learned Member at the Table of the House, and would move that the extracts of which he complained be read by the clerk.

Mr. *O'Connell* submitted that his entire speech should be read. No one ever heard of a legal document being read in part.

The Clerk at the table then read the speech of Mr. O'Connell at the Crown and Anchor Tavern, as reported in the *Morning Chronicle* of Thursday, the 22nd inst., as follows [We have marked by italics the passages more immediately complained of]:—

"Mr. O'Connell mounted on the table, and proceeded to address the gentlemen assembled.—He said, that he could assure them, and he said it without the least affectation, that he never in his life felt so overpowered as he did when he first entered the room on that evening. A sensation of awe came over him when he beheld such an assemblage as that which was now before him, and he inquired of himself whether he could account for the reason which must have induced so many men of this nation to have assembled there. What was it that brought together so many of the most respectable class of the most respectable country in the world, so many independent Englishmen, to pay a compliment to him? He had not the personal vanity to attribute it to himself merely; he knew that he had no claim to their respect or their good will, unless, indeed, his public life had entitled him to them—a life which had been based on the doctrine of that sect of which he was a talented, or a talentless, but, at all events, a zealous, member—the doctrine which taught him that no political advantage could or ought to be obtained by force or violence against the Government. He had always said this, that the change of the greatest political amelioration was not to be got at the expense of one single drop of blood—that force could never really achieve any alteration in such things which reason could not obtain. Yes, he was persuaded that it was this consideration which had brought so many Englishmen round him on that day—the consideration that that which justice would not give could not be obtained by the exercise of physical power. But, more than this, they had been called there to express, not flattery to him, but sympathy for his country. They knew Ireland had been badly governed. There was no mincing the word. She had been tyrannised over for centuries. Their fathers had acquiesced in committing the wrongs, but their sons were wiser. There was no country on the face of the globe which had ever suffered half so much from its connexion with another kingdom as Ireland had from its connexion with England. Few of them, perhaps, knew that 250 years ago it was no crime in the eye of the law in Ireland if one of the English race should kill a poor Irishman like himself, for instance—and even when he was born the native Irishman was precluded from the power of acquiring property. Now he would appeal to England whether this, at least, was not injustice? But, more, not only could he not acquire property, but he was forbidden to acquire knowledge. Was not this injustice, too? Yes, that was the state of Ireland when he was born; but there was a difference now. It was not for him to deny that he had assisted the English in their struggles for liberty. He acknowledged it; and it was no crime, or they would not be there. His feelings for Ireland extended to this country, and he was prepared to support both. Yes, he did love the green land of his birth; but what would be the use of struggling for its liberties if he found that the liberties of this country also were to be first secured? When the Reform Bill was in jeopardy he stood not back to consider the advantage which he might gain; and on that Bill, or on the English or Scotch Municipal Corporation

Bills, or on that glorious measure which struck off the fetters of 800,000 human beings, he was able now to say, that he had given his humble vote in favour of the reform which he saw was required. He did feel, therefore, that he had some claim to their consideration, and he would ask them ought Ireland to remain in its present condition? The English had got a Reform Bill—how extensive, but yet how immeasurably short of the extent to which it should go!—for he had no hesitation in avowing himself as a firm advocate of universal suffrage. The English Reform Bill was infinitely more extensive, however, than that granted to Ireland: and what the Irish wanted was a measure which would prevent their being exposed to the machinations of the Spottiswoode gang. *Corruption of the worst description existed, and, above all, there was the perjury of the Tory politicians. Ireland was not safe from the English and Scotch gentry. It was horrible to think that a body of gentlemen —men who ranked high in society, who were themselves the administrators of the law, and who ought therefore to be above all suspicion, and who ought to set an example to others, was it not horrible that they should be perjuring themselves in the Committees of the House of Commons? The time was come when this should be proclaimed boldly. He was ready to be a martyr to justice and truth, but not to false swearing; and, therefore, he repeated that there was foul perjury in the Tory Committees of the House of Commons.* But he would ask them was it not their duty to assist him in putting an end to this state of things? There were two modes of doing this. The first was, to extend their Reform Bill, for the Irish had a Bill too; and although the Irish Members contributed to carry the English and Scotch Reform Bills Lord Stanley over-rode the Grey Administration, and gave them only a section of the Act which had been granted to England. And the next was to grant them a measure of municipal reform, such as was given to England. [A voice from one of the lower tables, 'All alike.'] 'All alike,' as the gentleman said: the eloquence of a Fox could not have called in aid a more forcible expression. However, it was all unlike; for, instead of its being made 'all alike,' different measures were given to Ireland to those which were given to England; but they surely were entitled to equal justice. The English had had a Corporation Reform, but what a miserable farce was that which was given to Ireland! But he knew that too much of the sturdy spirit of John Bull remained, to allow one part of the country thus to be set, as it were free, without giving equal freedom to the remainder of it. He was a practical man, and he came there to thank the Englishmen for what they had done for him. He had advocated the cause of his country, because it had been said, that he had taken shelter under the wings of the present Ministers. But it was so because it was under the Ministers' wings that his country had found shelter. For himself, he was an humble individual, and there was not one among those present who could not in time do as much as he could do for his country, or who could not contribute largely to the improvement of its political state. God had done much for Ireland in its natural state, but there was not to to be found a single occurrence of importance in history in which the Irish had not been prominently useful in assisting this country. The same system of union, therefore, must still be kept up, in order that the country might still successfully oppose all future attempts which might be made upon its constitution or liberties. Without this combination the kingdom would be based as on a foundation of sand, and when he considered that he was merely the pensioned servant of Ireland he felt that it was his duty to uphold both that country and this, and to endeavour to promote the happiness and welfare of England as well as that of Ireland. He hoped still to live to see the centuries of misrule which had passed succeeded by good Government, and this end he hoped to see achieved as well by the exertions of the Irish as those of the English. The hon. and learned Gentleman was frequently greeted with loud cheers during his speech."

The Clerk was then proceeding to read the speech as reported in the *Morning Post* of the same date, when

Mr. *O'Connell* inquired of Lord Maidstone, whether, in order to save the time of the House, he would be content with the reading of the passage to which he objected?

Lord Maidstone having assented to this,

The Clerk read the following extract from the *Morning Post* of the 22nd inst.:—

"He (Mr. O'Connell) did not mince the matter; his words might appear in the public press; he hoped they would. Ireland was not safe from the perjury of the English and Scotch gentry, who took oaths according to justice, and voted according to party."

The reading of these extracts was succeeded by loud cries of "Move, move, and loud cries for Mr. O'Connell," and the excitement did not subside until after repeated cries of "Order," from the chair.

The *Speaker* then said, that according to his apprehension, a similar course of proceeding should be adopted in the present instance to that which had been pursued by the House in the analogous case in which a charge was preferred against Sir Francis Burdett. In that case the charge was clear and distinct, having been in the form of a written charge, to which the charge in the present instance might be considered as tantamount, as the papers had been put in by the noble Lord and read from the table. The course which had been pursued in the instance to which he referred, and of which he recommended the adoption in the present case, was, that the hon. Member who preferred the complaint having been heard first, the hon. Member complained of should be next heard, and subsequently the hon. Member who made the complaint.

Mr. *O'Connell* then rose and said, that although the course proposed would be personally inconvenient to himself, he bowed at once to the decision of the chair, a decision of which he felt the inconvenience the more particularly since he had entertained the intention, if the noble Lord had concluded with a motion, of moving as an amendment that an inquiry should take place upon this subject; such had been his intention—an inquiry into the entire merits of the case. He had certainly no right to complain of the noble Lord who had preferred this complaint, and who had delivered himself, in his opinion, with as much courtesy as it was possible for him to exhibit upon a question of this nature. If the noble Lord had failed to exhibit that courtesy in one particular phrase which he had introduced into his speech, he was quite ready to attribute it rather to the inexperience in public speaking under which an individual at the noble Lord's time of life must necessarily labour, than to a desire upon his part either to infringe upon any rule of the House, or to be guilty of discourtesy towards him. He did not know exactly what it was of which the noble Lord complained. [*Laughter.*] He was glad that any observation of his should be considered facetious by Gentlemen at the opposite side. He was fond of hilarity. He had now to repeat that he did not know what the noble Lord complained of. The noble Lord had talked of his having attacked the whole House, and the noble Lord had read extracts from two newspapers in order to support that allegation, in which, however, he was represented as having attacked only one side of the House. He (Mr. O'Connell) could the more readily excuse the noble Lord's impatience upon this subject, as it appeared that the noble Lord had been lately acting as a member of an election Committee, and must therefore feel the more strongly that there was nothing more repugnant to the nature of man—nothing more revolting to minds imbued with the love of justice and of truth, than the idea of a partial tribunal; that there was nothing in the shape of social immorality more frightful than that a public tribunal should become a receptacle for corruption, and that the decision of questions affecting in a most important degree the rights not only of individuals but of large bodies of the people—the decision of such questions, not according to law and justice, but according to the spirit of party, was a state of things from which every just and honest mind must shrink with abhorrence. Believing in his heart that such a state of things did exist, and being confirmed in that opinion by recent events, he was rejoiced at the present occurrence, and felt thankful to the noble Lord for bringing public attention to bear directly upon this subject. There existed a most serious grievance, which it was absolutely necessary to correct forthwith. He had endeavoured in vain, in the early part of the Session, to fix the attention of the House upon this subject; but he had failed in that attempt. He then came to the determination of appealing at once to the public, making this grievance plain and obvious to the comprehension of every man; and endeavouring, as far as in him lay, to make the popular sentiment upon the subject become so strong, that the nation would no longer tolerate so abominable a system. He might possibly be mistaken in adopting this course; but he thought that this was the proper mode—to call the public attention to a serious public grievance. If any hon. Gentleman at the opposite side of the House were involved in the issue of some suit, which placed his property, his life, or his character at stake, what would be his feelings if, upon entering into court, he discovered at once that he must of necessity be defeated through the partiality of a jury, composed of men predetermined to decide against him? Could anything, he would ask, be more unendurable than this? Who would be safe if such a state of things were introduced into the English courts of justice? Why, the throne itself would not be safe, as a certain monarch had experienced, who although he did not go the length of packing perjured juries, had taken care to supersede juries altogether. It was not in the nature of things that the introduction of such a state of things into the public jurisprudence of the country could be tolerated for one instant. A foreign writer of celebrity, in treating of the British constitution, had described its perfection as consisting in the fact of its being so organised that all the expenses of the state—the large sums given to the Sovereign and the army for the maintenance of peace—tended and conduced to render the administration of justice pure, and to enable twelve men impartially chosen to return impartial verdicts upon all issues affecting the lives and property of their fellow subjects. He believed that in this point consisted the greatest merit of the British constitution; and, in proportion as the desire existed for the maintenance of tribunals in this country deserving the eulogium of this foreign writer, he asked every honest man who heard him to concur with him in condemning the existing tribunals for the trial of contested elections. He had heard a great deal in that House about piety and pious observances. He had heard much talk of "desecration of the Sabbath," even where there was a question only of an innocent amusement; but no impiety appeared to him so great, no desecration so terrible, as that of the holy name of God, which was taken to attest the determination to do justice between man and man, but was accompanied by the understood and resolved predisposition not to do justice, but to favour party. Did the noble Lord think, that no such thing existed in that House? He had not heard the noble Lord deny, that Committees were partial. He supposed, however, the noble Lord meant to deny it by implication. Heaven help the man who out of that House, even in the presence of Members of the House, would venture to assert, that their election Committees were impartial tribunals, assembled solely to do justice between the parties. Why, such an assertion would be turned into ridicule, the man would be laughed to scorn. Public opinion had been made up on the point; the public did not hesitate to declare their belief that these tribunals were corrupt. It was freely said by the public—and the noble Lord should know the fact—that these tribunals were the worst in the world. It was perfectly well known, when the names of hon. Members were called out, upon their coming up to the table to be sworn, the moment the composition of the Committee was ascertained, it was perfectly well known how the decision would be. Was the noble Lord in the House a few nights since, when the ballot for the Youghal Committee took place? Did he hear the cheers—the loud cheers, for even delicacy did not suppress them—did he hear the cheers with which the last name was received by his hon. Friends around him? Why fifty Gentlemen had heard it. Oh! let them put it upon the issue; let them try it as they pleased. It did occur, and he was ready to prove it. Was not the noble Lord aware that no ballot had taken place during the present Session for which a regular canvass did not take place? That the Tory Club—the Carlton Club—from which he made no doubt that these papers had come—sent round cards upon all such occasions to every Member upon whom that party could depend? He put the question boldly to the House, whether a single ballot took place which was not preceded by such a canvass, by the issue of such special commands? Not one! Let any Gentleman get up in that House and assert that this did not take place. He did not see one hon. Gentleman rise. No one dared to assert it. Did not their newspapers call on them, in tones of the most urgent entreaty, to attend? Were not hon. Gentlemen opposite summoned, upon their allegiance, to come down to every ballot? Well, then, he repeated, that for every election Committee there was a canvass; and for what had they come down? Was it to discharge their conscientious duties, or to prevent hon. Members from forming election Committees at his side of the House? It must be either the one or the other. He dared any one of them to say that he came down in discharge of his conscience. Was it from motives of party, or was it to prevent hon. Members at his side of the House from forming these Committees? If they told him that they were led by the dictates of party, there would be candour in that. They would not tell him that. But if they asserted that it was to preclude his side of the House from exercising the power of forming partial Committees, then he would tell them that they preferred identically the same charge against his side of the House which he (Mr. O'Connell) had brought against theirs. Was there a single man amongst them who was not convinced of the iniquity of the system? Why, what was said when a Committee was struck? Did not every one say—"Oh, we have it now; now it is all right?" Did not every man exclaim, "There's no doubt he'll be unseated," or "There's no no doubt but he'll retain his seat," precisely in accordance with the known political opinions of the majority of the Committee? Even the counsel—did they not say, "Oh, we may take this easily; we have a majority of six to five, and then, from the situation of the Chairman, who is in our favour, and who is entitled to a double vote, we are sure of seven to five, so that there is no danger; we're all safe?" Had the noble Lord read Sir Samuel Whalley's statement to his constituents, a statement which had been published in all the newspapers, to the effect that he had resigned because he despaired of success, seeing that there was a majority of Tories on the Committee? Why had not the noble Lord called the attention of the House to this deliberate advertisement, which had acquired all the publicity attendant upon a most extensive circulation in the public papers? The noble Lord was shocked at the expressions which he had used in alluding to this subject; and he called upon hon. Members to "vindicate their honour." So said he. But the way to vindicate their honour was to get rid of the present system; the way to vindicate their consciences was to do away with so iniquitous a form of proceeding; the way to vindicate their religious feelings, of which they talked so much, was to send these questions to be tried before impartial tribunals, before those tribunals which were already empowered to decide upon their lives, their property, and their honour. Let all such questions be sent before the judges independent of all parties—before juries fairly selected, and untainted with partisan views—submitted, in short, to that species of tribunal which in all human probability would be best calculated to administer impartial justice, giving power to the judges to set aside improper verdicts, and to the superior judges of setting right any mistake in matters of law. Oh! if the noble Lord had been desirous of vindicating his conscience, he would have come forward with a motion for the establishment of an impartial tribunal of this description. But the House was so nearly balanced—parties were so nearly equipoised at each side, and the majority was consequently so small, that every single vote which they struck off by one of their Committees was another step towards place, profit, and emolument; or, if they liked the expression better, towards the vindication of their principles in action. They were influenced by the strongest motives to remove the Representatives of the people from their seats at his (Mr. O'Connell's) side of the House, and vote themselves into their vacant places; and whereas popular constituencies had returned one man by an overwhelming majority, they were determined, in spite of their oaths, to seat another; and this without reference to justice, and from the most slavish subservience to party. The noble Lord seemed to think, that he was the first person who had made use of the language which the noble Lord condemned, and looked as if he would be quite astonished to learn that such a suspicion was general in the minds of the people. There certainly was much maidenly modesty in this—in assuming that the subject had never been touched on before. But what had Mr. Buller said in reference to this matter? What had he told the House in the month of November last? He would read the passage to which he referred in Mr. Buller's speech, in order that the noble Lord and the House might be aware that he was was not the first person who had broached this subject. There was also in his (Mr. O'Connell's) possession a catalogue, furnished to him by many different gentlemen, of a number of decisions which had taken place, from the beginning of the Session to the present day, and which were of the most outrageous description. [*Hear, hear!*] He thought that that cheer might be called a re-echo. This was what he termed re-action; and signified that the monstrous decisions to which he had alluded had taken place at his side of the House. That was the obvious meaning of the cheer, and he readily assented to the meaning which it implied. If, then, they both told the truth—as he firmly believed they did—why, instead of wasting their time upon his speech at the Crown and Anchor, why did not the House instantly apply itself to the correction of that evil? Why not force its correction? He would tell the noble Lord that his object was, to force its correction, and that there would be no more perjury—no more party committees, if he could help it. No one should attempt to defend the system, however they might profit by it, without meeting with his (Mr. O'Connell's) most vigorous resistance. But to return to the subject, from which this was a digression,—what had Mr. Buller said?—"At present it is the universal opinion out of the House, among Tories, Whigs, and Radicals, that an election Committee of the House of Commons is an assembly of men whom neither honour, virtue, nor their oaths can bind when their political bias is involved." All this was said in the House; it was noticed by those who communicate the proceedings of the House to the public; and he (Mr. O'Connell) was not aware that any notice had been taken of it. [Viscount *Maidstone*:—I was not then in the House.] The speech from which he quoted was delivered by Mr. Buller in the House on the 27th of November, when the noble Lord (if he did not mistake) had a seat in the House. Mr. Buller had honestly told the House what the public thought of them. [An hon. *Member*:—But he did not go so far.] Mr. Buller had perhaps, dealt more leniently with them than he had done. But who, he would ask, had ever thought of contradicting Mr. Buller's statement? Not one single human being, although he had asserted that public opinion was made up with reference to the character of their election Committees, and that Whigs, Tories, and Radicals were all unanimous in this conviction. Their object should be not to attack an individual, who without meaning any disrespect to the House, was not very regardful of the attack, but to combat the system—to cleanse their consciences—to purify their honour by the subversion of that system which they had been told in the House was such that "neither honour, virtue, nor oaths are regarded when party political bias is involved." On that occasion he had seen a paragraph in one of the public newspapers, the *Morning Chronicle,* which he would now read to the House, to show the noble Lord, who rose to vindicate the honour of Tory Committees, that the process was not so easy as he thought. The *Chronicle,* in alluding the other day to what the *Law Magazine* called the "trifling with oaths," proceeded to say, "The Members of Committees send witnesses to prison for trifling with oaths, while they themselves by their decisions, show themselves utterly regardless of their own oaths." He had read this passage in the *Chronicle* of the 27th of Nov. last. Now, he submitted that the noble Lord was not justified in bringing forward a motion of this kind, after such things had been openly promulgated by the public newspapers. The hon. and learned Member then proceeded to read the continuation of the passage—" Oaths are of no avail in Committees. The breach of a solemn oath in a Committee, is attended neither with inconvenience nor disgrace." That was what *The Chronicle* had said. With respect to the Committee, of which the noble Lord was a Member, he did not allude in particular to it, but had the noble Lord seen what had been said of that Committee? The noble Lord, he believed, was in a minority on that Committee. Had the noble Lord seen what *The Times* said of that Committee? If not, he would give him a little information on the subject; for at the noble Lord's time of life, his education must necessarily be imperfect, and anything in the shape of information must be useful to him. He quoted from *The Times* of February 23, 1838:—" Any peculiar aptitude, in point of legal knowledge, is therefore regarded as wholly out of the question; and as to impartiality, we have heard it openly asserted that any man who should presume to praise the jurisdiction on that score would be understood in mere irony. It is, therefore, inferred that there can be no consideration of decorum or general expediency which should preclude the freest remark upon the decision of any by-gone Committee—nay, that, on the contrary, the cause of true reform imperatively requires the fullest possible examination, in every attainable light, of every determination arrived at by so suspicious a tribunal. Now, a great deal of all this is downright *scandalum magnatum.* For our own part, we could not think of holding this irreverent kind of language about anything so sacred as the political virtue of hon. Members. Whatever we now proceed to say, must be understood as delivered with the most implicit respect for every individual of every Committee of the existing House of Commons,"—there was nothing like the sleekness of hypocrisy to get down any dose, however strong—" and of course without the shadow of an insinuation to the prejudice of the formidable body who vindicate their infallibility and purity by a sergeant-at-arms. If, indeed, we were compelled to suppose a clique of partisans,"—he implored the noble Lord's particular attention to this—" laying their heads together in order to balk public justice, and contriving to do that collectively which some of them at least would shrink individually from attempting, perhaps the privilege of Parliament might then be set up against us, and our inquiry and the enormity of the offence be its own protection and our punishment. Or, if we had only the resource of supposing,—which, however, is a more charitable theory,—a set of incapables, reducing the law and practice of elections to a toss up, by a genuine (but still, in Members of Parliament, an intolerable) lack of ordinary understanding and ordinary information, the necessity of such an hypothesis might alarm the majesty of such judges (for your dunce is ever jealous of his dignity), and cause us to be enjoined from holding the dangerous torch of common sense to such a mass of combustible absurdities." Would the noble Lord wish to know who the "clique of partisans" were? Why, they were the very Salford Committee upon which the noble Lord himself had sat, and whom *The Times* treated as dunces jealous of their dignity. Why had not the noble Lord, who seemed so enamoured of his speeches as they appeared in *The Morning Chronicle*, read the newspapers of Friday morning last? Why had he not read this account given of himself by *The Times*? It was not "*de te fabula narratur.*" There were no *fabulæ* here [pointing to the journal]. It was not a Radical or Whig newspaper that contained this statement. "It is," said the hon. and learned Gentleman, "the organ of Toryism itself—the mighty thunderer in your van that blows you all up—the triumphant man-of-war of Puddle-dock, which throws in the Salford Committee, noble Lord and all, as a clique of partisans, whose only escape from the grossest perjury is in the stupidity of the Members of whom it is composed." But this subject was not confined to *The Times* of Friday. *The Times* of Saturday had taken the noble Lord's part against him in their usual terms, his name having been, he believed, stereotyped for the convenience of the paper; so that while in one article they vindicated him, in another he found himself abused. Talking of the Roxburgh petition, *The Times* complained that by the decision of the Committee, the petitioner "would have no redress for his wrongs or for those of his supporters, nor any sort of satisfaction beyond that of throwing away his money on an experiment thus, we dare not say corruptly, but almost incredibly, baffled." They dared not say "corruptly!" Did they not say "corruptly" when they apologised for not saying it? They admitted it was their fears, and not their feelings, that prevented them from using the word. Then they commented upon the Sligo Committee, whose decision he was sure the gallant Officer opposite (Col. Perceval) would not laud very much. He might be mistaken; he liked the good-natured expression of the hon. and gallant Member's countenance; but when that Committee was chosen, it appeared to him to have fallen full 50 per cent. *The Times*, however, went on to say—"The degree, indeed, to which the vile spirit of faction has worked itself into the judicial proceedings of the House of Commons, lamentable and disgraceful as it is, brings one consolation with it—viz., that a remedy cannot be much longer withheld." "Lamentable and disgraceful" were the words of their own organ. It might be said they were alluding to a Whig Committee, but they made no distinction—they included all. Thus they continued:—"A civilized people will not submit their affairs to a tribunal whose competency to do justice none confides in, and we have it on the highest Radical authority that the House of Commons is now so constituted as to present no average materials for a just or safe judicial body, where faction has a profligate interest to be maintained, and one or more criminal acts to be defended." This was the language of the press on every side—the language used by Mr. Buller—the language which, he repeated, to which popular feeling responded. This was the state of things against which they were petitioning. Was there a man mad enough to say, that justice would be done to him (Mr. O'Connell) if the ballot happened to go against him? He thanked the noble Lord for bringing forward this subject, for it was fœtid and sore all over, and he was a wise physician who exposed the disease in order the more effectually to cure it. One sentence more from *The Times*:—"A Member of Parliament, when you urge upon him such occurrences as those we have referred to, and state them as grounds for a total alteration in the nature and elements of that court of justice before which conflicting claims to a seat in the House of Commons shall be adjudicated, meets you at once with the peremptory question, 'How can you suppose, that the House of Commons will ever let slip out of its own hands the right of deciding who shall be its Members?' This is a question of surpassing folly, and of no less unmeasured insolence." No less unmeasured insolence! Why? Because, as this journal went on to say, the rights of a third party were involved. The present system of forming Committees of that House, and their results, reminded him of one of the most ludicrous of writers, Rabelais, who describes the judge of Garagantua, in sitting to decide a case that had been brought before him, as having thrown three dice for the plaintiff, who brought most grist to the mill, and only two for the defendant. He would certainly rather take the dice-box in his hands at once—go to that table and cry, "Seven's the main," or "Eleven's the main"—than take his chance of a Committee of that House. It would be infinitely better. When a change had been made before, how had it been effected? Why, by a man like himself getting up and talking plainly and distinctly. Before the Grenville Act, the House had been in the habit of deciding in the most profligate manner. It had been introduced to cure an enormous evil of the nature of that which now existed. Would it be asserted, that anything could be more profligate than the decisions of the entire House before that act was passed? Perhaps hon. Members would wish to know, by what chemical process it could have been converted. He would tell them—by the exposure of the abuse. Lord Chatham, in speaking of the decisions of the House, had said "that its Members had covered themselves with dishonour, for that nothing could be more vile than those decisions." He did not wish to trespass on the House by citing passages, but he could not avoid referring to the description given at the time of the state of the House of Commons before the Grenville Act, in which it was stated "that their mode of trial under judicial forms was most shameful, as every principle of justice was notoriously and openly violated; that thence the younger part of the House was insensibly induced to adopt the same line of conduct in more serious matters and in questions of higher importance to the public weal." Mr. Grenville, in moving for leave to bring in the bill, stated, "that instead of trusting to the merits of the respective cases (petitions against sitting Members), the principal grounds advanced on one side, and the defence on the other, were those principally which involved their own private interests. It was scandalously notorious that Members were earnestly canvassed to attend in favour of the opposite side, and that they were wholly self-elected." He would turn to the House and ask, was there a man in it who could deny, that it was scandalously notorious, that they were now as earnestly canvassed to attend in favour of the opposite side, and that they were self-elected? Was there a man in the House who would deny that? Not one. They were canvassed as if the election belonged to themselves. Mr. Grenville prophesied, that his bill would be attended with the happiest effects. He (Mr. O'Connell) was certainly bound to admit, that for a time its ill effects were not disclosed; but they had been since disclosed, and upon occasions too when they wanted impartiality the more. When the House was very unequally divided, the same stimulant to resort to those disgraceful acts did not exist; but when closely divided, and when a seat or two might create a very great change, then, at the very time that they wanted impartiality most, they had it least. A Gentleman who had proposed the repeal of the Grenville Act, said, that "he thought the additional sanction of an oath was not a tie upon the honour of those taking it—being just like official or custom-house oaths, which fell into mere matters of form, lost all force, or made matters worse." This was the opinion of Mr. Rigby; he did not mean Mr. Rigby Wason. He would implore of the House not to lose sight of the subject, now that it had been brought forward. He would ask, too, had he not done well in having called public attention to it? In doing so he did not mean to give any offence, not necessarily implied in the language he had used. How, let him ask, had protection been obtained and established for the prerogatives of the Monarch? How had the judicial bench been revived from the state in which it was when the judges were the mere vassals of the Crown, browbeaten, and running like hounds at a chase in furtherance of every species of legal tyranny? How had the jury system been altered? How had many other institutions been ameliorated? How, but by some frequently unintelligent individual like himself, who had the boldness and the firmness to speak out, and to describe things in their natural state in a natural way? He loved to speak out; in having done so, he meant no disrespect to that House, and the thing being now done, it was impossible for the system to continue any longer. *The Times* and *Morning Chronicle*, in fact, the whole public press, had asserted that the honesty and integrity of the people of England would not endure it. He hoped to see those who were in the habit of mixing religious with political feeling joining in the cry against the present system; for certainly true religion would not permit, for the sake of political partisanship, the existence of such an evil as the desecration of the name of that

God who would judge us all for an eternity of weal or woe. Let the advocates of Sunday piety now come forward. "Let them protest," said the hon. Gentleman, before their God, "that this is all a calumny, and that there is purity in the system—or do you English Gentlemen declare that you are the victims of the system, and that not from any free disposition of your own you are drawn into this false position—that you are borne down by the faults of that system into practices which, as individuals, you would scorn. Repeal that system altogether—reform it—and you shall have any apology from me you please. But while it continues, you shall not have a word from me, because I assert that I have spoken nothing but the truth." The public (continued the hon. Member) would assist him on this subject. The newspapers of to-morrow, which would be circulated in the remotest parts of the British dominions, would revive the cry of "Give us fair tribunals." Let them not be placed in the situation of persons forced to play against gamblers with false dice. If he had in any way contributed to rouse public attention to the subject—whatever might happen to himself—he would be satisfied. He would conclude by saying, that it had been his intention to move for a Committee of twenty-one to inquire into and report upon the effects of the Grenville Act, and elections law, the Committee to be forthwith named by the Speaker, and that all election petitions should be put off for one week. [*Cheers and Laughter.*] "Why," said the hon. Member, "then you want to have your own decision! If I wanted a justification of my statement, I have it—I have it in the fact that hon. Members will vote against me while they agree with me in opinion. I shall now retire, Sir, declaring to the House that I have come forward in this business with the most thorough conviction of the truth of what I stated, and that my only object was to do away with a great abuse. I thank the noble Lord for the courteous manner in which he brought forward his motion; I have nothing to complain of in that respect, and with these sentiments I conclude."

The hon. and learned Gentleman left the House.

Viscount *Maidstone* said, that nothing which had fallen from the hon. and learned Member had, in the slightest degree, changed his intention with respect to the motion he should have the honour of proposing to the House on the subject. The hon. and learned Member had endeavoured to look at it in a laughable point of view. He had endeavoured to laugh at the charge in a manner unbecoming the gravity of that House. He (Lord Maidstone) did not advocate the present system, but here were expressions containing a gross and slanderous imputation upon the conduct of hon. Members which he certainly would not, for one, pass over, and upon which he called for the judgment of the House. He did assert, that it would not be consistent with the character of that House to allow the use of such gross terms as those in which the hon. and learned Gentleman's assertions were couched, without noticing them in the only way they could. The hon. and learned Gentleman had not altered the complexion of the affair in the least, and although the noble Lord, the Member for Stroud, had intimated that he would bring forward another breach of privilege if he persevered in his, he would say the noble Lord was perfectly at liberty to do so; and he would tell the noble Lord that if he substantiated his charge, he would vote with him. But it was no sort of reason to say, that because the noble Lord knew of another breach of privilege, they ought to pass over this, which was, in his (Lord Maidstone's) estimation, as gross a violation of that privilege as could well be perpetrated. He would move, "That the expressions in Mr. O'Connell's speech containing a charge of foul perjury against Members of that House in the discharge of their judicial duties was a false and scandalous imputation upon the honour of that House, and that Mr. O'Connell having avowed that he used the said expressions, has been guilty of a breach of the privileges of this House."

Mr. *Maunsell* seconded the motion. That duty, he confessed, might have fallen into abler hands; and he felt himself still less competent to cope with the hon. and learned Member for Dublin in the particular description of language he was in the habit of using inside as well as out of that House. The aspersions lately cast by that hon. Gentleman upon hon. Members of that House he considered to be unfounded, and, as such, would give them the most unqualified contradiction which the rules of the House and of civilised society would sanction.

Viscount *Howick* could not help thinking, that the House must feel that any proceeding, such as had been recommended, could not be adopted, without grave and serious inconvenience. He did not pretend to justify the language which had been used by the hon. and learned Member for Dublin. He thought he had expressed himself much more strongly than the occasion required; but he must say, that he concurred with the hon. and learned Gentleman in thinking that the present state of the law respecting the trial of election petitions was little creditable to that House; indeed, he might rather say, it was positively disgraceful; and such being the case, he thought that by coming to the resolution proposed, and by taking as a libel upon the House a condemnation of its proceedings, which, however unjustifiable might be the language in which it was couched, did not unfortunately want some foundation in truth, instead of raising themselves in public estimation, they would, on the contrary, by so ineffectual an attempt to cover their own misdoings, only bring down upon themselves, and, indeed, he thought justly, a greater degree of public reprehension than before. He did not mean to accuse hon. Gentlemen at the other side of the House of deliberate perjury, but he asked any man, did they not all on that as well as on the other side of the House, when Committees were struck, anticipate the result of the investigation from the opinions of the majority of the Members whose names had been drawn? If that were the case, it would not be wise—he admitted that the hon. and learned Member for Dublin had gone much too far in the expressions he had used—but he did not think it would be wise in them to adopt the resolution proposed. Instead of doing so, he conceived their wisest course would be to drop the present proceedings, commence the regular business of the evening, and turn their attention to the subject again at the earliest possible period. The House ought to recollect that on the Ministerial side they had shown themselves most anxious that the evil complained of should before this have been corrected. They wished that, even before the election petitions of this Session came on for trial, an attempt should have been made to improve the tribunal to decide upon their merits; but they were met on the other side by the assertion that parties had a vested right in the present system; they were told it would be a perversion of justice to alter, not the law which was to be administered, for no one proposed that this should be changed—they were told it would be an invasion of the fair rights of those who had petitioned if an alteration were made in the mode in which petitions should be heard. He did not, therefore, ask the House to adopt any such proceeding as that which had been suggested by the hon. and learned Member for Dublin; all he asked was, that they should not attempt to prop up a system, condemned by the public voice, by a resolution which would not be responded to by public opinion, but that they should forbear, for the sake of their own dignity, from noticing reproaches and attacks upon themselves which, with whatever violence they might be made, were yet in substance deserved, and proceed to the public business of the evening, and take the earliest opportunity they could to improve the system for the trial of controverted elections. He had omitted to state, that he meant to impute no reproach whatever to the other side which did not attach equally to both sides of the House. He thought Gentlemen on both sides incapable of deliberately perjuring themselves; but the law being in many points in a state of extreme doubt, there being in almost all cases questions of great difficulty to be decided, and there being also so much ignorance among hon. Members, not being professed lawyers, looking especially to the practice on both sides of the House of striking the brains out of a Committee, as it was called, hon. Gentlemen who were desirous of doing their duty conscientiously found themselves in a most painful state of uncertainty as to what law and justice really required, and in such a state of things, with their leanings to their own friends, the decisions of Election Committees, without imputing deliberate perjury to their Members, were in the highest degree unsatisfactory. With these opinions, he thought by far the best course the House, so placed, could pursue, was to proceed at once to the regular business of the evening; for if they did not, if they voted the speech of the hon. and learned Member a breach of privilege, they must vote the articles which had been read from *The Times* and the *Morning Chronicle* a breach of privilege also, and enter into a warfare of this description against the whole press of the country. That was a course which the House would act most improperly in adopting, and he, therefore, moved as an amendment to the motion of the noble Lord opposite, that the order of the day for the House resolving into

Committee on the Poor-law (Ireland) Bill be now read.

Mr. *Milnes Gaskell* said, it appeared to him that the plain and simple question which was now before them, was whether any Member of the House of Commons should be permitted by a majority of its Members, not merely to use the language which had been imputed to the learned Gentleman, but to avow and justify that language in his place in Parliament; refusing to retract one syllable of the imputations he had cast, or to express the slightest regret that he had cast them. He was glad that his noble Friend, the Member for Northamptonshire, had brought this matter before the House. He was glad they had an opportunity of deciding whether there were or were not limits to the abuse and ribaldry that might be resorted to in certain quarters with impunity. He owned, however, he should have thought that upon a question which affected, not merely the privileges of that House, but the common decency of its proceedings, they should have heard a somewhat different speech from that which had just been made by the noble Secretary at War. But it appeared that her Majesty's Government were in a position of some difficulty upon this question, and they sought to evade it by passing to the other orders of the day. They seemed to feel that since the division upon the ballot they had lost ground with their supporters, and instead of meeting this question fairly, by a frank and manly avowal that the language of the learned Gentleman was indefensible, they did not venture to pronounce any opinion upon the subject. But an intimation had been conveyed by the noble Lord, the Secretary for the Home Department, that if the House of Commons should entertain the proposition of his noble Friend (Lord Maidstone) he would drag under its notice the conduct of the Bishop of Exeter—that he would rake up an old charge which had been delivered by that right rev. Prelate, for the gratification of a certain section of his supporters, who sought for the expulsion of Bishops from the House of Lords. He (Mr. Gaskell) presumed that when the noble Lord had given this notice, he had been actuated by no feelings of personal hostility; although he confessed it had struck him as just possible, that the noble Lord might have had the worst of some previous encounter with the Bishop of Exeter—that he might have been engaged in some correspondence with that right reverend Prelate, which had left traces of dissatisfaction upon his mind. But let him ask the noble Lord, and ask the House, what would have been the course taken by the Government, and what the language of its Members, if these charges had been made, not by *The Times*, *The Standard*, or *The Morning Chronicle*, but by Gentlemen upon his (the Opposition) side against Gentlemen upon that? What would have been the language of the noble Lord, the Member for Northumberland, if they (the Opposition) had preferred charges of perjury against the Gentlemen opposite, founded upon the reports at Roxburgh, at Sligo, and at Salford? Would the noble Lord then have shrunk from the expression of an opinion? Would he have sheltered himself behind the previous question? or would the noble Lord, the Secretary for the Home Department have sought refuge in a countercharge against others? No; they would have told the House, and with perfect justice, that not one hour should have been suffered to elapse, before reparation had been made for the outrage committed upon its privileges. How then did the two cases differ? Why, simply in this—that the person who preferred the charge now, was the person who maintained the Queen's Government in office, though he was also the person who in 1834 had charged the father of the noble Viscount (Howick) with entertaining a proud and malignant hatred towards the Irish nation, and the noble Lord, the Secretary for the Home Department, with sharing in the same feeling. Surely, however, it was no reason, because such were the necessities of her Majesty's Government, that they were constrained to acquiesce in the proposition of the noble Viscount, that the majority of the House of Commons should sit silent too. Undoubtedly, if he (Mr. Gaskell) could bring himself to regard this language of the learned Member as an indication only of his individual opinion with respect to the conduct of any body of Gentlemen in that House, he should be perfectly indifferent to the imputation it conveyed. It was because the learned Gentleman was a Member of that House, and had chosen to reassert and justify the language which had been complained of, that he thought it incumbent upon the House to notice it. If after hearing such an avowal of such language, the House of Commons should determine with the noble Lord, the Secretary at War, that it was not their province to punish or control it, they would bring the character of Parliament into utter degradation with the public, and strike a fatal blow at the character of all their proceedings.

Mr. *Langdale* was surprised at the sensitiveness which had so suddenly seized hon. Gentlemen opposite. On more than one occasion he had to complain of charges having been made against himself as a Roman Catholic by hon. Gentlemen opposite, which they, too, felt so painfully when urged against themselves. The hon. Member who had just sat down had spoken of the indecency of bringing forward charges of perjury against Members of that House; but he should like to know, not how many had indulged in such calumnies, but how few had refrained from them in their addresses on the hustings during the late election? Although those who agreed with him in religious impressions had long been accustomed to be taunted and maligned by every epithet that could be most painful to the feelings of a gentleman, they were not yet so callous as to be insensible to the reproaches which were sometimes cast upon them, and, therefore, he hoped if hon. Gentlemen opposite felt galled when charges like the present were brought home to them, they would be a little more cautious in their aspersions for the future. With respect to the matter immediately under consideration, he meant as to the decisions of election Committees, he felt considerable difficulty in expressing an opinion. He remembered, while yet a novice, unacquainted with the proceedings of that House, being requested to attend a ballot shortly after taking his seat, and the fact he was about to state, while it showed the spirit in which parties acted, was equally applicable to both sides of the House. On that occasion having been anxiously requested to attend a ballot, he said to the gentleman who applied to him, "Are you not aware that the Members are bound by oath at the Table of the House to give a verdict according to the evidence?" And the reply he received was, "If such be your impressions, you may as well absent yourself." He was not aware any distinction could be drawn between a Member binding himself by a solemn oath to give a verdict according to evidence and a juryman in a court of justice; and the expressions of joy and congratulation which he had heard in that House only last Thursday, when a Committee was chosen of certain Members, should have excited universal reprobation. The hon. Member then read an extract from an article in *Fraser's Magazine*, in which, alluding to the decisions which had been come to in the last Parliament, it was said, "The Committees decided according to their respective political feelings but it was mere folly to call this forswearing themselves." He did not like using any harsh terms, but if he were obliged to give an opinion, he could not conscientiously say the accusation was false.

Mr. *Colquhoun* said, the House had been placed in a very singular position by the amendment of the noble Secretary-at-War. A charge had been made against every Member of that House—at least against every Member who sat on that (the opposition) side of the House—and they had been told by the noble Lord it applied to both sides of the House, with respect to election Committees. What was the charge? That those who by a solemn oath bound themselves to decide according to evidence were guilty of corrupt perjury. He was glad the noble Lord had retracted the expression "substantially true;" he afterwards admitted, that it was not "substantially true;" for he said, that hon. Members being ignorant of law, or difficult questions requiring much technical knowledge often decided wrong. They must all admit, that party spirit or bias prevailed in the minds of hon. Members who constituted election Committees; he attributed to them no blame on that account, for it was inseparable from the weakness of human nature. A Member feeling a strong desire that a particular individual should be seated, heard the evidence and the speeches of counsel with that bias, and decided according to it; but surely there was the utmost difference between the bias of a prejudiced partisan and the cool deliberate calculations of a perjurer. What did the noble Lord propose to do? That they should pass to the order of the day, that they should tamely sit down in the face of the public under the taint of universal perjury. If any one had charged an individual Member of that House with perjury, must he not instantly have proceeded to investigate it, and if he were found guilty, of course he would be considered unworthy of a seat in that House. But was the charge rendered less flagrant because it was made wholesale?—because the House of Commons was, in the face of England, tainted with an universal leprosy? He maintained there was no other way of upholding the character of the House and the consistency of their proceedings, than supporting the motion of the noble Lord, and he thanked him for having brought the subject forward—he thanked him, in the name of all the Members from Scotland, both Whig and Tory; for he did not believe, that there was a single Member from that country who would appear at the Table of that House and take an oath to administer justice according to the evidence, and then go into the Committee room and return a verdict to favour his party views and prejudices, but against the solemn oath he had taken, and thus be guilty of deliberate perjury. He, therefore, called upon all the Members from Scotland, on both sides of the House, solemnly to declare, that the accusation of the hon. and learned Member for Dublin was a false and deliberate calumny. The question, from whom the charge emanated, was a matter of little consideration. The single circumstance of the individual being a Member of that House rendered it a much more serious case than if the charge had been made in *The Times* or *Morning Chronicle*, or any other publication. He, therefore, called on the House to meet this charge as the noble Lord the Member for Northamptonshire proposed. He thanked that noble Lord on another ground for bringing forward this motion; he thanked him, because by that motion he had produced a revelation on a matter which had hitherto been much and curiously concealed—namely, on the connexion which had been long supposed to exist between the hon. and learned Member for Dublin and the Members of her Majesty's Government. [*Question.*] He would show that his remarks were strictly relevant to the question. The motion of the noble Lord, the Member for Northamptonshire had been met by a proposition of the noble Secretary for the Home Department to enter into an investigation of certain proceedings of a right rev. Prelate. He had no objection to such an investigation. The right rev. Prelate himself had no objection to such an investigation. But it was curious to observe how promptly and instantly the noble Secretary had thrown that proposition as a shield over his great partisan and ally, the hon. and learned Member for Dublin. He was only doing justice to the noble Secretary when he said, that if he or if any other hon. Member were to charge Lord John Russell with being guilty of gross and wilful perjury, all his honest feeling and all his high blood would rise instantly in defiance of that slanderous imputation. He was only doing justice to the noble Secretary when he said, that he believed that the noble Lord would be anxious to maintain in that House the same high character which he enjoyed out of it as a private individual; and he hoped in return that the noble Secretary would do him and his friends the justice to suppose that they held quite as high as he held, the value of character. The charge of gross, wilful, and deliberate perjury was not brought against them amid the excitement of a Crown and Anchor meeting, but was calmly and solemnly repeated in that House, and was repeated against them all. He should have expected that the noble Secretary, as soon as the noble Member for Northamptonshire had tabled his motion would have risen on his own behalf, on behalf of his friends, and on behalf of the whole House, to repudiate this slanderous calumny. But no, not at all. The noble Secretary proposed to divert their attention from it by an amiable inquiry into the proceedings of a right rev. Prelate. Let the noble Lord bring forward his threatened inquiry, let us have a field day—let the noble Lord open his batteries and mount the breach. He would tell the noble Lord, that the right rev. Prelate would find some defenders even in that House. [*Hear, hear!*] Yes, in spite of all the cheers of the hon. Gentlemen opposite, he dared to say, that the right rev. Prelate would have some supporters even in that House; and he said that, because he believed it to be the practice of the House of Commons to allow every individual accused at its bar to be heard in his defence. But surely, if a charge were to be brought against the right rev. Prelate, such as the noble Lord had alluded to, the proper place in which to bring it forward, was the place where the right rev. Prelate sat, and where he could defend himself; and if the noble Lord was as anxious for that inquiry as he professed to be, surely he had ways and means of having it proposed there. But that is irrelevant to the present question. But so, too, is the amendment of the noble Secretary—grossly irrelevant—it is so irrelevant—[*Lord J. Russell:* I have moved no amendment.] The noble Lord had unquestionably placed a notice on the books, but instead of following it up, had taken shelter under the amendment of the previous question, moved by his noble colleague, the Secretary at War. Perhaps the House would yet hear that notice moved; but from what had hitherto occurred, he understood it to be the wish of the noble Secretary to have the previous question moved as an amendment, and to huddle and cover up the original motion under the pressure of it. A charge of gross, wilful, and deliberate perjury, had been brought against every Member of the House of Commons, not merely against those who sat on the opposition, but also against those who sat on the Ministerial benches. He took the noble Secretary as a witness to that charge. He took the House also as a witness to this fact, that when this charge was first talked of, the noble Secretary had attempted to divert their attention from it by an attack on a right rev. Prelate. It was curious, that no sooner was this charge made against the hon. and learned Member for Dublin, than the House was called upon to throw its shield over him, and was to sit still under the taint of universal perjury, so that the hon. and learned Member might not have his language characterised in the severe but just terms proposed by the noble Member for Northamptonshire,—terms which he had conceived to be so well chosen as to compel every Member to support them who wished to stand well with his constituents.

Mr. *Eaton* said, that having been appointed a Member of the Committee to decide on the merits of the Belfast election, he could not sit quiet whilst he heard a charge of perjury against it. On the part of that Committee, and in justification of his own conscience, he said, that he would not submit to act upon that Committee if he were liable to be intimidated by the taunts of Mr. O'Connell. He would only add an expression of his willingness to support the motion of the noble Member for Northamptonshire.

Mr. *Williams Wynn* said, he was not surprised at the feelings expressed by the hon. Member who spoke last. He was not surprised, that any hon. Member, on whom by law the trial of a controverted election had fallen, should feel the situation in which he would be placed if he were liable to be charged with the commission of gross, wilful, and deliberate perjury, without having any remedy for such a cruel wrong. Was that the case with respect to any other subject of the realm? Let him ask the House whether, in the most trifling case, if a jury were summoned in the Court of Queen's Bench or in any other court, and if any one were to presume to publish, that the jury who heard, and that the judge who tried it, were guilty of wilful and deliberate perjury,—let him ask the House whether there would be any hesitation to inflict on the individual who made such a charge against the judge and the jury, the punishment of commitment for contempt? Even if such a charge were made against the judge and the jury in a humbler court, as for instance in a court of quarter sessions—let him ask the House whether the publication of such a charge, against such parties, would not be an indictable misdemeanour, subjecting the party to be very heavily punished? But, of that protection which was given by the law and practice of this country to every other individual who had to try a case as judge or juror, it was now proposed to deprive this branch of the high court of Parliament. It had been said by some hon. Gentlemen on the other side of the House, "We don't pretend to justify this language." But the noble Secretary had gone much further, and said, "We don't justify it, but we plead guilty to the use of it." He asked whether that was not a fair construction to put upon the amendment of the noble Secretary at War? Hon. Members sitting on his (the Opposition) side of the House had been charged out of doors with the commission of gross perjury. Notice had been taken of that charge within those walls. The hon. and learned Member, who had made it out of doors, came forward and repeated it in the face of the House, and then the noble Secretary came forward to propose that the House should not consider that charge, but should pass on to the other orders of the day. Now there could be only one of these two reasons for such an amendment, either that the charge was in itself of so trivial and frivolous a nature, that the assertion either one way or the other was of no importance, or that hon. Members felt it to be so just that they needs must plead guilty to it. Let them consider what the effect must be of adopting either of those reasons as their own. To-morrow was a day fixed for the appointment of an election Committee. Did they mean to say that they would summon Members to their table, and compel them to try the merits of a disputed return, knowing, as they must know, that if their decision were not such as to please the hon. and learned Member for Dublin, they would first of all be publicly accused by him out of doors of gross and deliberate perjury, and that, in the next instance, they must submit to the mortification of seeing him get up in his place to re-assert and justify his accusation. Was that a fair situation, he would ask to put any man in? If such an attack would be a gross act of injustice in any individual, was not its injustice extremely aggravated when it was made by an hon. and learned Gentleman who was himself shortly to be a defendant before an election Committee? It was holding out this language to the hon. Members who came to be sworn at the table as Members of the Committee to sit upon his case,—"Decide for me and no one shall bring a charge against you; decide against me and I will publicly accuse you of wilful perjury," a charge which, if the House affirmed the amendment of the noble Secretary at War, they could never notice or visit with any contradiction hereafter. The hon. Member might repeat it again with impunity, if the House failed to notice it now. He might then say, "I said it once before out of doors. I was charged in the House with having said it there. I repeated it before your faces, and you then went to the orders of the day. Now, when I assert it a third time, will you venture to punish me? I was encouraged to the repetition of it by your decision on that occasion, which was an admission of the truth of the charge, and I am therefore justified, by your own admission of its truth, in re-asserting it." He felt, that under such circumstances no hon. Member would be justly blameable for refusing to serve upon an election Committee; for it was not fitting that a man of honour should be exposed to such imputations, cast upon them as they were by an individual who set their rules and privileges at defiance. "I know not, Sir," continued the right hon. Member, "if conduct like this is to be overlooked, how you are to discharge the functions of the Chair. Let me ask you, Sir, if any Gentleman who now hears me should bring forward a charge here, no matter how disorderly or how contrary to the regulations of the House, in what manner and with what chance of success you can interpose, if this amendment be carried. The hon. Member whom you, Sir, call to order, will say to you, 'I re-assert the charge I have already made; it is a charge of the same nature which Mr. O'Connell made against one side of the House, which his supporters made against the other, including themselves; which he was called upon to defend after he had made it; which he refused either to retract or to apologise for, and which, after being called on for a retractation or an apology, he openly re-asserted; and therefore, Sir, though you tell me that I am doing what is wrong, what is disorderly, what is contrary to the practice, the regulations, and the privileges of the House, I will persevere, I will pursue my own course, I will re-assert the very matter of which you pointedly complain.' 'And now,' he will continue, 'let the House, if it can, either stop or punish me for what they neither stopped nor punished Mr. O'Connell. Sir, they cannot, they dare not.' Such, Sir, will be the language you will be condemned to hear, if the House, in an unfortunate hour, should be induced to concur in this amendment. The honour and regularity of our proceedings are more at stake than the conduct of any individual. I know not how the assertion of the hon. and learned Member for Dublin can be more fairly met than by the motion of the noble Member for Northamptonshire. I can lay my hand on my heart, and say, that I have never been on any Committee of the many in which I have acted, in which I had reason to believe any Gentleman was guilty of gross perjury, or of doing what he knew and what he felt to be wrong. Members there have been on Committees, and Members there will be on them, as on other tribunals, who have sometimes erred, and who have come to decisions which many thought wrong, of which I myself disapproved. On doubtful questions they have been, insensibly to themselves, biassed by partialities; they have paid, perhaps, an undue deference to the opinions of others, instead of forming, as they ought, their own judgment. But, after forty years' experience, I declare, that I do not know of one instance which could justify the observation made against this side of the House by the hon. and learned Member for Dublin. If such an observation were true, I repeat what I said on a former occasion, that it is not merely for the trial of controverted elections, but also for all legislative functions, that we are unfit. If that be the case, the sooner we consent to any change or reform in our system of Government the better, and readily will I agree to it."

Viscount *Eastnor*, as Chairman of the Marylebone Election Committee, begged to say a few words. It was true, that the majority upon that Committee were Gentlemen who generally sat upon that side of the House, and, consequently, came under the denomination of "perjured Tories;" but he flattered himself, that no one proceeding of that Committee could fairly be brought in question. In point of fact, no sooner had the Committee assembled, and the counsel communicated with each other, than the counsel for the sitting Member, who had to make out his qualification, declared, that after the best consideration of the subject, he was not prepared to advise the sitting Member to defend his case; and, on the other hand, the counsel for the petitioner as distinctly stated, that after due consideration, he thought it would be so difficult, and would require so much time and outlay of money, to strike off, if it could be done at all, so many votes as to put the petitioner at the head of the poll, that he would not give the Committee any further trouble on the subject, and consequently the Committee could not have come to any other decision than the one it had given. He believed, that at the time the speech in question was made by the hon. and learned Member for Dublin, the Marylebone election Committee was the only one upon which the majority came under the denomination of a Tory majority. He could not have conceived it possible, had he not heard it from the hon. and learned Gentleman, that Sir S. Whalley could make such a statement as that he was deterred from venturing upon the defence of his seat because the majority of the Committee were Tories. This was a most unfair statement, for he could conscientiously say, that he had not, in any proceeding of that Committee, detected the slightest tendency to unfairness. Such statements as these could have no effect upon Members of the House who were acquainted with the circumstances of each case, but they went forth with a most unfavourable effect to the public. He could well enter into the feelings which had actuated the noble Member for Northamptonshire; and when he heard the obnoxious words openly in the face of the House avowed and adopted by the hon. and learned Member who had uttered them elsewhere, he could not conceive how any Member of the House could patiently submit to remain under the charge which they conveyed. The charge was a most unjust one; it was not simply a charge against Members of that House of having allowed their political feelings to weigh with them in the decision of doubtful or nicely-balanced points, of having had a bias towards party—that would have been a different thing—but this was a charge of wilful perjury; a charge that not only every gentleman, but every man endowed with honest feelings, must feel disgust and abhorrence for. He, for one, could not patiently remain under such a stigma; and he could safely say, that not only he himself had never rendered himself liable to such a charge, but that he had never witnessed it in others.

Mr. *Brotherton* thanked the hon. Member who had vindicated the Salford Committee. He believed that Committee had decided most justly. He also thanked the hon. Member for Wenlock for the information which that hon. Gentleman had, at so early a date, given him about various election Committees; for, before evidence had been heard in any of these Committees, the hon. Gentleman had been kind enough to inform him what would be the result in each case.

Mr. *Horsman* thought, that hon. Gentlemen opposite were not following the wisest possible course in this matter. He quite agreed with the noble Lord below him, that the evils of the present election Committees were not limited to one side of the House, but prevailed equally on both sides. A substantial majority of the House would affirm that this charge was true. Yes, it was the opinion of a great portion of the Members of that House, that they who came to the Table of the House to swear that they would decide according to justice, were led away by their private feelings, and decided according to their party. The Gentlemen opposite appeared, on this occasion, to have their sensitive feelings worked up to the highest pitch of excitement at the bare idea of perjury; but the petition presented a few nights ago, which distinctly charged the Roman Catholic Members of the House with perjury, created no such feeling in the minds of hon. Gentlemen opposite. That petition was intrusted to the hon. Member for East Kent, its reception was opposed, and he himself had submitted to that hon. Gentleman the propriety of withdrawing a petition which passed so great and unnecessary an insult upon a large body of the Members of that House. The hon. Gentleman, however, in order that the House might judge of the petition, moved that it should be read by the clerk at the table; it was read, and contained a specific charge against the Roman Catholic Members. The hon. Member for East Kent then prudently expressed himself inclined to withdraw the petition, very much to the declared dissatisfaction of many hon. Gentlemen opposite, the hon. Member for the University of Oxford in particular loudly insisting on its being received. Yet, notwithstanding this circumstance of so recent occurrence, hon. Gentlemen opposite talked as if it were an altogether unheard-of thing, that Members of that House should be charged with a forgetfulness of their oaths. The imputation against the Roman Catholic Members was received by hon. Gentlemen opposite with the utmost complacency, but no sooner was any thing of the sort thrown out against themselves, than their zeal for the honour of the House became great, overflowing, and no expression of indignation could be too pointed to mark their sense of the insult offered to the Members of the House of Commons. He was greatly pleased to see that hon. Gentlemen opposite had, since the other night, discovered that the charge of perjury was not one which ought lightly to be thrown out against Members of that House. He was glad to perceive that, however unfeeling they were when such a charge was brought against one class of Members of the House, they were at least particularly sensitive when the charge was retorted upon themselves. To come to the precise question before them, in the first place, he begged to return the noble Lord below him his most cordial thanks for the course he had that evening adopted. The feeling which the noble Lord had evinced could not be too highly admired, and he trusted, that the conclusion of the affair would be equally satisfactory to the House. He could only for himself express the conviction, that if the noble Lord, in the career which lay before him, was fortunate enough to bring forward many motions, as happy in their results as he was sure this would be, the noble Lord's political career would be as splendid as he trusted it would be long. It appeared to him (Mr. Horsman) that hon. Gentlemen opposite had very carefully avoided meeting the question, and had contented themselves with mere general assertions. What, he would ask, was the well understood opinion of every person who had at all considered the subject upon the election Committees of that House? What was the well-known opinion of Members themselves, of counsel, of agents, of every person in any way connected with them? What was the course adopted by Members themselves on the very last occasion that Committees were balloted for? On that occasion the Conservative Member got a Liberal Committee, the Liberal Member a Conservative Committee, and in each case the Member at once gave up his seat without contesting the point further, one of them, the Liberal Member, stating, in the newspapers, his reason for having done so; this reason being precisely that he had got a Conservative majority against him in the Committee. The cases he alluded to were those of the late Members for Tynemouth and Marylebone. [*Hear, hear!*] Hon. Gentlemen seemed to intimate that he was wrong in describing the former Gentleman as a Conservative, but it was his custom to judge of hon. Gentlemen's opinions from the party among which they ordinarily ranked themselves; and still, from the opinions which they expressed, and acting on this rule, he conceived he was not very wrong in classing the hon. Gentleman among the Conservatives. Had the hon. Gentleman felt that his Committee was "a favourable one," he would hardly have given up as he had done. The charge of the hon. and learned Gentleman, however, was confined to one set of men, and to one particular question. The hon. and learned Gentleman spoke of the Spottiswoode conspiracy, of the manner in which that conspiracy was instituted and carried on, and it was in reference to this that he said, the Irish and Scotch Gentlemen were prepared to do injustice. A greater evil, a more flagrant abuse, than this Spottiswoode subscription never existed. The subscription was suggested before the Irish elections took place in the Tory journals, in the month of June; meetings were called, subscriptions entered into, and petitions prepared against the Liberals, even before the result of the elections was known. If that was not a flagrant outrage, it would be difficult to understand what came under that denomination.

Mr. *Plumptre* referred to the petition presented the other evening against the Roman Catholic Members. The parties who signed that petition conceived that the Roman Catholic Members, in taking part in the questions respecting Church property in Ireland and in England, violated their oaths, and they stated that the only security they had against a repetition of such conduct was the expulsion of those Members from the House.

Mr. *Hogg* did not rise to deal in wholesale imputations against Gentlemen on the other side; he was not going to call the attention of the House to the batch of fourteen petitions got up by Mr. Coppock, or to the shrinking sensibility which would not allow a single question to be put to that gentleman when he was called to the bar, but he wished to lay before them a particular case in which that gentleman was concerned. The gentleman who attempted to get up the petition in this case applied to his own agent, who indignantly refused to be a party to the transaction, inasmuch as there was not a tittle of foundation for it; he then went to Mr. Coppock, a ready instrument in such designs, who undertook the job. The House would be astonished when he told them that the agent of the party was told by Mr. Coppock, on remonstrating with him, that he had put in the petition to keep the Tory Members from acting on Election Committees. [Cries of "Name."] He had been asked his authority; he seldom rose in that House, and when he did he took care to be pretty certain of his facts. His authority was a note addressed to him by the agent of the Liberal candidates, who was afraid that he (Mr. Hogg) should think him a party to such a disgraceful proceeding. The petition was directed against himself and his colleague. The note was as follows:—

"Sir,—A petition having been presented against the return of yourself and Mr. Fox, for Beverley, charging you with bribery and corruption before the House of Commons, I did not think that in the situation in which I then stood I ought to interfere; but the matter being now ended, I think it due to myself, from the position in which I stand, and as agent in the late election, to inform you that I was not, and would not be, a party to such a disgraceful proceeding; and so I told Mr. Coppock, by whom the petition was got up, for the purpose, as he informed me, of preventing either of you from sitting upon Committees. I beg to assure you that Mr. Clay was no party to the getting up of the petition, and that he, with me, deprecates the whole proceeding as most vexatious and ungentlemanlike."

He hoped the House would not consider the observations he had now addressed to them as irregular, and he ventured to think he had not addressed them without foundation.

Sir *E. Sugden* was anxious, before the House divided upon this occasion, that they should understand exactly where the question now rested. He confessed he was very unwilling to rise, not simply from the impatience the House might feel, but because he did expect that some Member of her Majesty's Government would address it on this great and important question, involving the rights and privileges of that House, which were the best protection of the liberties of the people when firmly and properly maintained. He did expect that some Member of the Government would have risen on this occasion beyond the noble Lord, the Secretary at War, who had contented himself with offering but a few observations. The hon. and learned Member for Dublin, as he understood, put his case thus:—He first told the House, and truly, that it was a fearful thing when the seats of justice were tainted with corruption; and then he stated his sole object to be to bring before the House and the country the defective condition of the tribunal at present established by law for the trial of controverted elections. That, perhaps, was not a fair way of trying the question. In the first place, the House would not fail to recollect how painful it must be to Members who were bound to serve on Committees, and Members who might hereafter be bound to serve on Committees, to have such an imputation cast on them as that of the hon. and learned Member. The hon. Member said, "you have a defective tribunal, against which the whole world cries out as an abuse, and to which we are all agreed that some remedy must be applied; we have tried to remedy it, and the noble Lord on the Treasury bench has expressed his willingness to assist in accomplishing that object; you have opposed us in our endeavours, and therefore let the whole weight of the indignation of the country rest on you." Now, if the question were simply will you or will you not consider whether the tribunal should be altered, there was not one Gentleman on the Opposition side who had not shown perfect willingness to enter upon it. The objection which Gentlemen on that side made to the propositions which had come from hon. Gentlemen opposite was, that after the cases had arisen, and were waiting for adjudication, it was sought to introduce a new tribunal for the purpose of trying them. There would be no objection on the part of any Gentleman on that side to enter on a consideration of the nature of a tribunal to be constructed after the cases at present undecided should have been disposed of. Now, would anybody out of the House believe, for Gentlemen in the House knew it too well to be misled, that the Bill which had been introduced for the purpose of remodelling the present tribunals was open to every objection which could possibly be brought against the existing constitution of these bodies? What, therefore, became of the ground which the noble Secretary at War took, when he complained that those who sat on the Opposition benches would not entertain a measure for the reconstruction of these tribunals? The hon. Member for Liskeard proposed that there should be a Committee of five Members instead of eleven; but suppose that number to be fixed upon, what increased security was there for the rectitude of their decisions? If the Members were the foul and guilty perjurers they had been represented to be, a mere diminution of the number would only give greater facility and present greater inducement to perjury. It ought, therefore, to be distinctly understood, that no proposition had been hitherto made to the House for establishing a tribunal which would not be open to the very same objections as were urged against that which at present existed. But the hon. and learned Member for Dublin might say, "I, too, desired to give you a remedy, which you would not adopt." The House could not have forgotten the manner in which that hon. Member had thought proper to proceed with regard to the Bill he had asked leave to introduce. He was speaking from recollection of the facts, but they were so recent, and had made so lasting an impression, that he could not be much mistaken in them. When the hon. and learned Member for Liskeard had brought in his Bill, the hon. Member for Dublin proposed his own measure. It was considered irregular that two Bills with the same object should be before the House at the same time, but that difficulty was got rid of by changing the title of the hon. Member for Dublin's Bill. The hon. Member for Liskeard introduced his Bill, but the hon. Member for Dublin did not lay a line of his on the table of the House. The hon. Member for Liskeard, who of course must know much more than he could of the intentions of the hon. Member for Dublin, in consequence plainly declared that he believed the hon. Member had never prepared a line of his Bill. What, then, became of this exquisite plan —this admirable measure? The hon. Member for Liskeard was a little driven to the wall about his own Bill; and the Opposition wished the hon. Member for Dublin to bring in his Bill, in order that the House might have an opportunity of comparing both measures, and judging of their merits. But the noble Lord came in to extricate his Friend from difficulty, and acting, not in collusion, Oh! no, but in amiable concert with the hon. Member for Dublin, recommended him to withdraw the Bill for the present, and the hon. Member at once said with a smile of gracious condescension, "I withdraw all opposition to the hon. and learned Member for Liskeard." When the hon. Member for Dublin declared he had submitted another plan to the House, his memory must be frail; it was evidently not to be relied upon in the matter. He would now come to the question before the House. Hon. Gentlemen, as the law now stood, were bound to serve on those Committees; if not, they were liable to be punished by the House. Nobody could deny — and he entirely agreed with the hon. and learned Member for Dublin in this—that if you once cast a suspicion on the judicial bench, or on any judicial tribunal, either in that House or out of it, there was an end to the practical utility of that tribunal, and that nothing but certainty of the fact could justify a Member of that House in casting such a charge. If you once said that a judge had given way to a corrupt bias, and thus tainted him as he sat, from that moment he was quite disabled from administering justice either with benefit to the public or with satisfaction to himself. To bring such a charge as this against a tribunal of that House was, therefore, deserving of every reprehension; and when he was asked to believe that Members of that House were in the habit of committing perjury, he could not agree with the hon. Gentleman who had spoken from the third bench, in the mitigated view he had taken of the nature of the charge. No, he felt that perjury was what was intended by that charge—it was, that hon. Members went into those Committees with the intention to break their oath. Now, he declared, upon his solemn word, as a Gentleman, that he did not believe there was one man in the House who would so act, and if he knew such a man, he would spurn him as he would spurn the lowest animal. Was there any one who believed that such a man was in the House, or who would hold intercourse with a man who would go into a Committee and deliberately break his oath? The noble Lord, the Secretary at War, in the course of his speech, had turned round upon himself, and corrected an unfortunate expression he had made use of, by saying that a noble Friend near him had reminded him that he should have said no such thing as that the observation of the hon. and learned Member was quite deserved. But why did not the noble Lord who supplied this correction, why did he not stand forward in the place which, as a Minister of the Crown, and as leader in that House, he ought to fill, and speak out upon this question? Nobody could doubt that this was a gross breach of the privileges of that House—nobody living could have a doubt of it; it would bring them all into contempt, and God only could bring them out of it if they were fairly open to it. He spoke in a sad and solemn feeling. He had never served on one of those Committees, but when he heard his hon. Friends who sat around him, whom he knew to be as incapable of such conduct as himself, and for whom he felt as warmly as he should for himself, thus charged, he could not sit still or rest contented without offering a few remarks to the House. How had this charge arisen? Why, numbers of questions were of such a nature as would admit of being decided either way, without the smallest impeachment upon the integrity of the person deciding. He would take an instance—the question of opening the registers—that might fairly be decided either way, and parties with every disposition to form a correct judgment might decide in favour of that side which their friends espoused. He did not mean to defend the practice, but it was incident to the composition and nature of the tribunal. The hon. and learned Member for Dublin had said that he avowed the charge, and made it in order that the question might be raised, and a remedy found. What was the charge? That the great body of the English and Scotch Members of the Commons House of Parliament habitually commit perjury against the Irish Members, and that Ireland was not safe against the combination of Tory Members. He believed in his heart that there was not one Member in the House who believed this charge. But what was the object of the hon. and learned Gentleman? Not to vilify the great body of the Members of that House, but to obtain a remedy for the evils of the present system of deciding controverted elections. Was it then a fair mode of obtaining such an end to bring forward such a charge in such an invidious way? Was that a customary way of bringing forward a general question? He said a general question, for it was one in which the character of the whole House was involved, and he must repeat that he thought it a most unfair way of bringing forward an important general question to make such a charge against a particular part of that House. The hon. and learned Member for Dublin said "I have a petition against me, and I have no faith that this petition will be tried fairly by an English Committee." But in what situation did this statement of the hon. and learned Gentleman place the Members of the Committee? No man could do his duty on that Committee with ease and satisfaction to himself under this charge. In truth, if he himself was on that Committee, he should go through his duty with a conviction that the hon. and learned Member for Dublin would not acquiesce in his decision, after having branded the committee beforehand as predetermined on the case. There was one other point he wished to notice. He never had, and he never should bring against the Roman Catholic Members of that House a charge of perjury, but the interpretation to be put on the oath which they took was, he conceived, fairly matter open to discussion; if however, in the course of such discussion, men's feelings were outraged and their conscientious scruples wounded, and charges fixed on them, he should ever be the first to deprecate the agitation of the question. But let it not be overlooked that the charge of perjury against the Catholic Members was not like that which was made against that side of the House, which was that of dealing in wholesale perjury for their own political purposes.

Lord *John Russell* said, the right hon. Gentleman who has just sat down having called on those who sit on this bench to speak to this question, I am willing to rise for that purpose; but at the same time I do feel that both on myself and on those who sit beside me he imposes rather a hard task in making this demand on us; for if we sit silent, the right hon. Gentleman declares it is due to the House to give our opinion on the question; but if we take the side which my noble Friend has taken, if we say that this charge ought to be passed over, and the House should come to no decision on the subject, then we are told that we are endeavouring to shield the hon and. learned Member for Dublin; in short, that we are acting in collusion with him. Notwithstanding this difficulty, I beg to offer my opinion to the House, that opinion being that it is not advisable for the House to proceed in this matter. I am aware it used to be the custom, and I impute no blame to the noble Lord who has brought forward this question for following that custom—I am aware it used to be the custom when anything was found in a public newspaper, or when any sentiment was uttered by a public character which was held to be a breach of Parliamentary privilege, to bring it under the consideration of this House, to vote that it was a breach of privilege, and to commit the offending person, whether he were an individual moving in a high station, or the editor of a newspaper, or an unfortunate printer or publisher, to the custody of the Sergeant-at-arms, or to be confined in Newgate, and to say that thereby the honour of this House was vindicated. My experience has taught me that this is an unwise proceeding in such cases. I have never seen any advantage arise to the House from contentions of this kind. The matter has, generally speaking, assumed one of two shapes. Either it was a subject on which the public attention was not excited, and might have been passed over without the least importance being attached to it, or it was one to which the public did attach importance; and the feeling out of doors sympathising with the alleged libel or breach of privilege, it was no satisfaction to the country to be told, that a majority of that House had resolved that it was a breach of privilege, and that to vindicate their honour and assert their privilege they committed to Newgate the person who had asserted doctrines contrary to their own. I think that such on the whole is the case at the present moment. Be the opinion as calumnious as it has been stated to be—let everything that has been said of it by Gentlemen on the other side of the House be true—this cannot be denied, that the present is one of those cases in which a strong feeling does exist out of doors — there prevails, no doubt, a very strong feeling throughout the country as to the constitution of the election tribunals of this House. Hardly any hon. Gentleman who has spoken has ventured to say—I may state that no hon. Gentleman who has spoken has ventured to say, that these are tribunals that give universal satisfaction; on the contrary, it is confessed, that be the Committee a Tory Committee that is to try the validity of the return of a Liberal, or be it a Liberal Committee that is to try the validity of the return of a Tory, the Tory Committee rarely decides in favour of the Liberal, and the Liberal Committee rarely decides in favour of the opposite party. No one has said, that there is in these Committees that purity in the administration of justice which all avow that in the administration of justice there ought to be. One hon. Gentleman has admitted, that the decisions of the Committees are more or less in favour of the party composing the majority of them; the right hon. Gentleman who has just sat down admitted that there was a bias in favour of party; the hon. Member for Montgomeryshire also said, there are cases in which partiality exists. Such are the different phrases that have been used, and, let me ask, do they not imply this—that you have a tribunal 'sworn to try cases impartially, and in a majority of cases it forms decisions which are not impartial. Now, if that is the opinion entertained—if it must be confessed that Gentlemen are sworn to try impartially, and the decisions are not impartial—what good, can any man say, will be effected by moving resolutions to declare that it is false and calumnious to use such words as are under consideration—words that are undoubtedly unjustifiable with respect to those parties—and that the person using them (because that is the usual consequence) ought to be committed to prison for having used them. Why, the noble Lord said, that we were bound not to depart from the usual custom in such cases. Do you not say in the resolution before you that this charge is false and calumnious, and that a gross breach of the privileges of this House has been committed; and will you stop there. The House will put itself in a most ridiculous position by such a proceeding. Look at the consequences with respect to the hon. and learned Member for Dublin himself. The hon. Member for Kilmarnock says if *The Morning Chronicle* or *The Times* had made this charge he should treat them with contempt; but he will allow me to tell him that if you permit the leading newspapers to say that the decisions of the Committees are unjust—that no justice is to be expected from an Election Committee—that impartial Election Committees must sooner or later be constituted, inasmuch as at present they act in open violation of their duty—if that is allowed to be said day after day by the leading newspapers of this country, though you put what words you please into your resolutions, and act on them as you may, you will not produce any effect on the public mind, but it will continue to be influenced by those assertions which are so made. Then what is the other course open to you? It is this, to put down by punishment the offenders. But if the editors of *The Morning Chronicle* and *The Times,* and all others thus conducting themselves are punished one after the other, will any good be effected. In what I have said I have spoken entirely with regard to the policy of proceeding on the noble Lord's motion—of proceeding in conformity with the course taken on some former occasions, not dissimilar, though not exactly resembling the present. When the House in 1833, on the motion of the hon. and learned Member for Dublin himself, ordered certain persons to the bar, that order was discharged by the decision of a large majority, there existing a general sense of the impolicy of the proceeding. With respect to the present case, we are told that it calls for this grave and solemn resolution. Does that resolution resolve itself into the opinion given—does it resolve itself into the substance of the charge made against the Committees? By no means; it resolves itself into those very gross terms used with regard to the Members of the Committees, namely, "foul perjury." I don't mean in any way either to justify or to palliate those words; but I do not think that the use of words of this kind by a person engaged in the heat of party contentions, and brought forward by a noble Lord in this House, ought to be a ground of proceeding in this House. It has been told us by an hon. Gentleman behind me that for these last two or three years he has heard in this House and out of it, from the highest authorities and from the lowest sources, the charge of perjury against the Roman Catholic Gentlemen who are Members of this House. Have they the feelings of honour in any less degree than other Gentlemen? Are men holding that religion to be branded with the name of perjurers, and if any other persons are charged with perjury is that to be immediately made a matter of privilege. That is precisely the case. No one will for a moment deny, that the charge of perjury has been made in a very direct manner in the instances to which I have alluded. But the right hon. Gentleman (Sir E. Sugden) says it may be a question whether the Roman Catholics, having taken the oath, act consistently with it: that is certainly a more civil and perhaps a more equitable mode of dealing with the question; but, after all, it comes pretty much to this—that men have taken an oath, and not acted in conformity with that oath. Well, then, is that to be said over and over again, day after day, and men are to bear it—and they have very properly borne it, knowing the injustice, the utter groundlessness of the charge. Is that to be so repeated and so borne? And when a similar charge is made against the party I see opposite, then is it to be borne no longer, and are the House of Commons to be called on to interfere? Some observations have been made with respect to the notice—the conditional notice—which I gave the other night. I am willing to tell the House at once what it was I proposed in giving that notice. I wished to warn the noble Lord opposite, and to warn the House, of the danger of entering on proceedings of this kind. I thought I could take no better example than the one I then referred to. I am of opinion, as I have already said, that with regard to men engaged in this House in the heat of popular contentions, engaged in elections and in public meetings, the carrying to a great extent, to a licentious extent, perhaps, the use of political language, is a matter that ought to be left to be blamed and corrected by public opinion, and not made a subject of legal proceedings, when no obstruction is offered to the business of this House, and when this House is not threatened by popular or any other kind of violence. I would go on to show that public men are more to be pardoned in such cases, because a person who, from his station, from his honourable station, ought to be far removed from these party contentions—because where it might be expected that we should meet with only a pastoral charge to the clergy—where it would have been thought, and where, indeed, it should be found, that the pastoral duties of the clergy to their flocks, and the relations of the prelates to the clergy, were the main subjects he treated—even there party violence exhibited itself in the language used—even there, in speaking of a large number of the Members of this House, so forgetful for a moment was a right rev. Prelate of his high station, that of those Members acting in their legal capacity, he said their conduct "exhibited treachery, aggravated by perjury." I alluded to that circumstance last year, and I then said I hoped no one would take notice of it in this House; I thought it not a matter that ought to be taken notice of in this House; but I do say, if party heats and contentions so pervade society in this country that even a bishop addressing his clergy cannot refrain from using the term "perjury" as applied to a large portion of the Members of the House of Commons, and if that be passed by, surely some allowance ought to be made for a man who, engaged in the utmost heat of political contest, if he have not spared others, has himself never been spared by the parties opposed to him. Two hon. Gentlemen who have spoken have alluded to me on this occasion with a sort of triumph and congratulation, participated in by their party, that the course I have taken has proved me to be in close alliance with the hon. and learned Member for Dublin. I wish them joy that that topic, which has been worn so nearly threadbare, has been revived. The falsehoods told on this subject, and which have so nearly worn out the patience of the public, if they had not been revived by this little incident, would scarcely have survived the short month longer, which perhaps they are now destined to endure. But I assure them that no joy or triumph on their parts will prevent me from making myself as subject as they please to that accusation, when I believe that I am acting for the benefit of my own country, or for the benefit of that part of her Majesty's dominions of which the hon. and learned Member for Dublin is one of the Representatives—when I believe that I am acting in conformity with the real dignity and interests of this House; but if that were not my object—if it had been one of a totally different nature—if I sought to give additional importance to the hon. and learned Gentleman—if I sought to elevate him in the eyes both of the people of Ireland and of the people of this country, I should then say, pass your resolution—condemn and stigmatise the hon. Member, send him to Newgate, and avow to the world that you have no other way of vindicating the decisions of your Election Committees. At the same time take into consideration a measure for altering the constitution of the Committees, and I fear by your very consideration of such a bill you will allow it to be seen that you are not ignorant of the defects in your present system. If the people of this country witnessed such proceedings, would they not say, "We thought before, that the Member for Dublin was a man against whose designs, with regard to the Protestant Church, we must be on our guard; for those who are entitled to our respect, and whom we are bound to listen to, have warned us against him; but when we see that the very parties who have warned us against him, are making him the victim of injustice, and sending him to prison for the sake of their party strife, we feel it to be our duty to stand by that man to the utmost of our power." That is the effect likely to result from such conduct. If we wish to maintain the dignity of this House, I think the most prudent course for us to take will be to adopt the motion of my noble Friend. If, on the other hand, we wish to add to the popularity and power of the hon. and learned Member for Dublin, then my advice is, follow the counsel of the noble Lord opposite, whose spirit I admit does him honour, but who has little knowledge either of the public transactions of the day, or of what is now due to the opinions of society.

Sir *Robert Peel*, before he noticed the speech of the noble Lord who had just sat down, begged to refer to one remark made by the noble lord (Lord Howick) who moved the previous question. It appeared to him that the noble Lord did not accurately remember what had passed in the House with respect to the bill relating to controverted elections. The noble Lord who represented her Majesty's Government (Lord John Russell) was desirous that the improved system of controverted elections should be immediately brought into operation; "but," said the noble Lord (Lord Howick), "that benevolent and virtuous intention of her Majesty's Government was defeated by the opposition which was offered to it on the opposition side of the House." He did not recollect the anxiety of her Majesty's Government to force forward that measure for the introduction of an improved system. He certainly did remember the noble Lord stating the course he meant to pursue with respect to the fixing of the days for the controverted elections; he did remember the noble Lord saying "he would not pledge himself absolutely to fix the day, because some extraordinary contingency might occur with respect to the petitions that might prevent him, though the noble Lord then fixed the day for taking the resolution into consideration. That day arrived, and he and his friends were panting with anxiety for a knowledge of that extraordinary contingency which might defeat the noble Lord's intention; but the noble Lord stated that he had referred to the petitions, and found nothing extraordinary in them, and therefore, instead of allowing him (Sir R. Peel) to fix the day, the noble Lord did it himself, and adopted the very terms of his (Sir R. Peel's) motion. The noble Lord was successful in carrying the second reading of the bill, why, then, did he not persevere? The noble Lord carried the second reading by a much larger majority than he had upon most other questions—he carried it by a majority of fifty three—but he fixed the days on which the election petitions should come on, and he never, acting for the Government, fixed the day on which to proceed with the bill. Here was the bill as originally brought in; here it was declaratory of the original intentions of the author of it; and what said the last clause with respect to which there was such an intense degree of anxiety because, forsooth, it was to substitute a new tribunal for the old? The last clause, which was not forced upon the noble Lord by a powerful majority, but which was supported by him as his own voluntary act—the last clause ran thus: "And be it enacted that this act shall take effect from and after the last day of the present Session." He begged leave, then, to deny that her Majesty's Government had shown any very determined or sincere intention to substitute for the present system of trying controverted elections a new one. He objected to the proposal made by the noble Lord at a subsequent period, because he thought that an attempt to substitute a new tribunal —by a bill to be passed through both Lords and Commons, in the present conflict of parties would have consumed so much time as to leave them no alternative, if all the existing petitions were subject to the new mode of trial, to indefinitely postpone them; and it was the first duty of the House to proceed to the adjudication of the controverted elections. Nor would the country be satisfied with the postponement till the new tribunal was constituted. The hon. and learned Member for Dublin proposed a plan which would have met all the objections now made to the present tribunals, because it would have removed the trial of controverted elections from this House. The hon. Member for Liskeard's bill, which was supported by the Government, was of a totally different character, and if the imputations which had been cast on the House were just they ought not to adopt that bill for it would still leave to the House the power of adjudication on election petitions. He now came to the speech of the noble Lord, (Lord John Russell) and to the consideration of those arguments by which the noble Lord endeavoured to convince the House that the proper course in this case was to pass to the order of the day. The noble Lord was surprised at the appeal made to him by his—(Sir R. Peel's) noble Friend, but it was perfectly justifiable. How was it possible, after the noble Lord had given public notice of his motion, that he could now consent to proceed to the order of the day? Why, the noble Lord had placed himself in the same boat with his noble Friend. The noble Lord did not rise and say the House had no authority on the subject, or that it would be advisable to consider it in the mean time, but he got up impatiently and eagerly and said "As soon as you have decided your question of privilege." [*No, no!*] He should like to be informed in what respect he misrepresented the words of the noble Lord. He did not mean such a decision as the noble Lord now anticipated, that of passing to the order of the day. The motion now made implied a shrinking from the decision of the House. The notice of the noble Lord was this—"Provided the House entertained"—[The remainder of the sentence was lost by the vehement cheering from the ministerial benches]. Why, in what a miserable position did they place themselves by this interruption. Observe how the supporters of her Majesty's Ministers manifested their exultation because they thought he had made a verbal mistake! Well, then, the noble Lord gave notice, that if the House of Commons entertained the motion of the noble Lord (Maidstone), He (Lord John Russell) would bring forward a motion of his own—that he would submit for the consideration of the House, a case of breach of privilege, alleged to have been committed two years since. In other words his noble Friend, and other Gentlemen serving on Election Committees, having thereby an important and delicate public duty to perform, which they had discharged to the best of their ability, and according to the dictates of their conscience, being deliberately charged with the commission of foul perjury; had called upon the House for protection against such aspersions; and the answer, the conciliatory answer, of the noble Lord, was—"If the House of Commons affords you the protection you seek, I will bring forward for its consideration the similar charge against certain members of a former Parliament, made by a right rev. Prelate two years since!" That was the satisfaction proposed to be given by the noble Lord. But, then, his noble Friend had a right to make a specific appeal to the House. What were the simple facts of the case? Here was a charge of "foul perjury" preferred against Members of that House, and that charge was made against them acting in their judicial capacity. Such a charge, serious as it was, made in the heat and excitement of a public dinner, might not be visited with the censure of the House. But an opportunity was given to the hon. and learned Gentleman who had preferred the charge to explain it—he had not been called on suddenly to answer; nor taken unawares. The noble Lord, the Member for Northamptonshire, had given the hon. and learned Gentleman full notice of his intention to ask the question, and it was therefore perfectly competent for the hon. and learned Gentleman to have said, that it was perfectly true, that in a moment of excitement he had preferred the charge, and that he made it, feeling that the honour of those with whom he was associated had been impeached by similar charges having been preferred against him and them and no more perhaps would have been thought of it. But the hon. and learned Member took the more open and manly course of distinctly and deliberately, in his place, admitting, that he had made the charge, and that he still adhered to it. Members serving, or liable to serve, on Committees, had then no alternative but to appeal to the House for protection. In the first place was the charge well founded? That was the material point at issue. The first authority he should cite on this subject was that of the noble Lord, the Secretary for the Home Department himself. In the course of the present Session the noble Lord observed, "Now, without conveying an imputation of perjury on any side, when I see so much jealousy evinced as to placing the names of adverse parties on Committees, I must say that the fact seems to me to be a proof that such decisions will be party decisions. The main reason for this is the uncertainty of the law of elections, and more especially of the right of voting in Ireland. This was the case on the Longford Committee in particular. Where there are different decisions on the same grounds, party bias will occur. In saying this I by no means impute deliberate perjury to the members of those Committees." The noble Lord admitted that the charge was unfounded; he acquitted them of deliberate perjury; yet he refused to afford hon. Members the protection of the House! The noble Lord admitted the right of hon. Gentlemen who implored the protection of the House under such a charge; admitted their right to protection; yet no protection was to be afforded! There was the authority of the noble Lord himself for the position. He admitted that any charge of foul perjury, founded upon the proceedings of those Committees, was unfounded, and yet he refused to give the Members of those Committees the protection of a resolution of that House. On what ground did his refusal go? Why, the noble Lord stated that there was a strong prejudice in the public mind on the subject. Was it not the duty of that House to set right the public mind whenever it was evidently swayed by improper and unfounded prejudices? Ought they, upon such a ground as that, to succumb to any charge, however gross, and unfounded, that was made against Members of that House? The best possible mode, and the most obvious, to encourage in the public mind these very prepossessions, was to shrink from declaring them unfounded. The noble Lord said there was in the public mind generally a prejudice against the mode of proceeding by Election Committees; but surely the distinction was quite clear between a desire to amend a defective tribunal and a wholesale charge of foul perjury against them. It was quite consistent to admit that political bias did operate on the decisions of Election Committees; and to desire to see the system changed; yet also to resent warmly the charge of wilful perjury against certain Members of that House. The noble Lord argued that the true way to elevate the hon. and learned Member in public opinion would be to visit him with the censure of the House. To visit him with an unjust censure would undoubtedly have that effect; but if the censure professed to be passed was a just one, why should the House of Commons shrink from recording it? Not, surely, because there were strong opinions in the public mind on the subject of Election Petitions. If, however, the present motion for censure was passed by, what would the House do with regard to the Election Petitions? If they were to pass this over, he should like to ask them what were they to do suppose a petitioner were to approach the House and charge them with foul perjury? Would they censure him? Would they reject his petition? Why, the same person might present another petition and say, that when the same charge was preferred against them they passed to the order of the day. What in such a case would they do with such a petitioner? What did they do with a petition the other day which contained a charge of perjury against the Roman Catholic Members of that House? The doctrine that the Speaker then laid down was, that they could not receive any such petition—that no petitioners had a right to charge Members with perjury, whether they were Protestants or Roman Catholics. He was not present himself, but he understood the Speaker to have said that such a charge would preclude the petition which should contain it from its being received by the House. To take another case:—Suppose a Member, forced by the order of the House to serve on a Committee, were to say—"I was ready to have discharged my duty, to have sacrificed my time, and to have endeavoured to the best of my abilities to fulfil the trust imposed on me. I appealed to you for protection against the charge of foul perjury; you would not afford me that protection; I will not, then, exercise the judicial functions you impose upon me, subject to the contingency of such consequences." What would the House do with a Member under such circumstances? Would they commit him to Newgate? Here would be the case of an individul refusing to act, not from pique or mere personal feeling, but because he declared that the House paralysed his powers of judging, so that no decision which he could give would be satisfactory. Would the majority which, it was said, would negative to-night the resolutions of the noble Lord, be prepared to commit a Member so situated to Newgate? If they would be so prepared, he had not heard any thing urged to show why the House of Commons should not proceed in such a matter as any court of justice in the kingdom would proceed. He remembered a case of a similar kind, which occurred in 1834. Mr. Hill, a gentleman then in Parliament, had reported some conversations which were said to have taken place between certain Members as to the votes proposed to be given for Government on certain questions. Here was a charge against the Members for Ireland—how did the House deal with it? Why, on the first day of the session attention was drawn to it. By whom! By Mr. O'Connell! The hon. Member stated "he must observe that the question before the House was a public one, inasmuch as it concerned deeply the constituency of Ireland to know whether any of their Representatives had behaved in the manner described. The noble Lord had satisfactorily replied to the question put by himself and another Irish Member, but other Members, and amongst them his hon. Friend, the Member for Tipperary (Mr. Sheil), had been interrupted when he rose to propose the same question to the noble Lord. His hon. Friends and constituents, were deeply interested in their character, and therefore he pressed the noble Lord to be more explicit." "The hon. Member for Tipperary had constituents who had a right to know whether the Member they had sent to that House was worthy of their confidence or not; for the sake of that portion of the community there interested, then, and also for the characters of the hon. Members themselves, he felt, and he was sure the House would on a little reflection concur with him, that an opportunity of explanation ought not to be denied to those who sought it."* In the present case also the noble Lord had constituents who thought his character and title to their trust ought to be supported. There were also many other Members who thought that in such a case as this it was for the public interest that they should be protected from a charge of so serious a nature. In the same debate, however, Mr. Hume, then Member for Middlesex, "advised the hon. and learned Gentleman not to notice such vague insinuations against Members of Parliament;" to which Mr. O'Connell replied, "This is not a vague insinuation made by the public press or by parties out of doors, but a serious imputation preferred by a Member of Parliament." The previous question was moved, but he (Sir R. Peel) felt it was due to the Irish Members that there should be an investigation, and he accordingly voted for an inquiry. The motion for the previous question was rejected and the inquiry took place. But in the present case the charge was distinctly admitted, and a determination to adhere to it was declared. There was no allegation of proof, for although hon. Members, who had spoken on the other side, broadly stated their opinions that the tribunals were defective, yet they thought that the charge of foul perjury could not be sustained. This being so, then, he called upon the House to protect its Members from the charge of foul perjury that had been brought against them. Night after night, in the debates in that House, imputations were cast upon the great measure of Reform by those who aided in passing it; night after night it was declared that there had been more intimidation and expense and corruption at the last election than there ever occurred before. Now, they had heard it stated, that they—the Reformed Parliament—were disqualified by foul perjury, or the disposition to it, from discharging their judicial duties, from which it would necessarily be inferred that they were equally disqualified from the discharge of their other and more important duties. He really must say, that he was surprised that hon. Gentlemen and noble Lords opposite would consent that such imputations should be cast upon the acts of the House; and if they thought they had the power, which the House undoubtedly had, not of persecuting any one, but of vindicating the honour and dignity of their proceedings, and, in the exercise of strict justice, defending their own Members from unjust imputation—and if they desired to prevent such charges from being drawn into daily precedent, as by connivance and forbearance they would—then he entreated them to disregard those consequences which the noble Lord had threatened, of unduly elevating the hon. Member on the one hand, or of exciting unfavourable impressions on the minds of the vulgar on the other. He entreated them to do that which they believed to be consistent with truth and justice, and they would be amply rewarded for disregarding an appeal to their passions and unfounded apprehensions of evil consequences from their proceedings.

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* Hansard (Third Series) vol. xxi pp. 123 124.

The *Chancellor of the Exchequer* declared, that if he had entertained any idea of the impropriety of the inquiry in which they had been engaged, that doubt had been completely removed by the speech which they had just heard. He could not but be convinced of that when he found that the right hon. Gentleman, with his commanding talents, which had acquired for him such influence within the House and out of it, could not make out a better case. The right hon. Gentleman had declared that they on his side of the House had triumphed because the right hon. Gentleman had fallen into a verbal inaccuracy. They had done no such thing; that which the right hon. Gentleman had been pleased to designate a verbal inaccuracy was a solid distinction between two things differing very much from each other. The right hon. Gentleman had first sought to lead the House to imagine that the noble Lord had proposed an amendment, thus affirming the principle. Now, the motion of the noble Lord did not do any such thing; his motion was directly the opposite; and the right hon. Gentleman assumed that this was a mere verbal distinction. This was a misapprehension, he should not say a misrepresentation, of fact upon the part of the right hon. Gentleman. His noble Friend had said this to the House of Commons; he asked them if they would enter into a question which was so likely to embarrass them—where parties were so likely to be affected by it, and where the public was so little likely to be served by it?—and this had been proved by the course which the debate had taken. The House had been called upon to affirm two resolutions, and up to that moment they had not heard one word as to what course was to be taken. He understood, though no direct statement had been made, yet he collected from the information as far as it had been given, that it was not proposed to go further with those resolutions. He presumed, then, from the tenor of the speech of the noble Lord, that it was not his intention to go further than his two resolutions. He would read the resolutions upon which they were about to divide—"That the expressions containing charges of foul perjury against Members of this House in the discharge of their duties are false and scandalous imputations on the character and conduct of Members of this House," and "That Mr. O'Connell, having avowed that he had used those expressions, has been guilty of a breach of the privileges of this House." He was not aware whether his right hon. Friend (Mr. Wynn), who was so thoroughly acquainted with matters of this nature, could give an instance of the House having come to any such vote without following it up. But this he must say, that if they passed those resolutions, and passed them that night, and then did not go farther, that a more miserable effort than theirs had never yet been made by the collected force of an assembled party.

Lord *Maidstone* stated, that it was his intention to go further than the two resolutions if they were agreed to by the House.

The *Chancellor of the Exchequer* : It was intended then to go further, and he should not press that point; but then he asked them would they, by passing the resolutions, attain either of the objects which had been referred to by the right hon. Gentleman who had last spoken? What had been done by their present course of proceeding? Supposing an imputation had been cast upon them, supposing a calumny had been uttered against them what had they done? They had taken the means calmly and deliberately of circulating it throughout the world Every word that he had heard there would be circulated; it would be printed in the votes of that House, and it would be forwarded by the next evening to every portion of the empire. What must be the inference to be drawn from these proceedings? He greatly feared that they would by no means redound to the credit of the character of that House. The right hon. Gentleman had declared that he wanted to attain two objects. He wished, first, that they might set themselves right with the public. How were they to set themselves right? And, next, the right hon. Gentleman wished to protect Members of these Committees. Now, he must say, that when the public formed a judgment with regard to the acts of that House, and their Committees, they did it on grounds much more sound than any that could be afforded by a party vote that night, or by words used at the Crown and Anchor. He was not there, however, to vindicate the words that had been employed—on the contrary, he objected to them—he went further, and he had no objection to say that those words constituted a breach of privilege. On this subject he considered that there could be no doubt. But there came another question—the expediency of that House taking the step which had been recommended to them. How many breaches of their privilege, he asked, took place every hour and every day? and yet how inconvenient it would be to take up those matters. The right hon. and learned Gentleman (Sir E. Sugden) had, in his opinion, drawn a very minute distinction when he referred to charges of a similar nature preferred against Gentlemen of that House, and which were contained in petitions presented night after night, and then said that there were no imputations of "wholesale perjury." Now, he did not care whether the imputation was wholesale or retail; it was an imputation of the grossest nature, and he said, that unless they were disposed to take up the one they ought not to pursue the other. He wished to know if hon. Gentlemen opposite were aware that the same sort of charge had been deliberately brought against the heads of the Church, that the imputation of perjury had been preferred against the heads of the Church, of a violation of their oaths? Were they aware that this had been stated of those Commissioners, of the archbishops and bishops who were at the head of the Church Commissions, because they were members of chapters, had, as members of chapters taken oaths to preserve their chapters, and yet, notwithstanding their oaths, had recommended steps to be taken for interfering with their privileges. Had any steps been taken by the friends of the church for the purpose of vindicating their characters? No; conscious that they did not deserve it, they did what that House ought also to do, passed it over in silence. He had but one word more to say. He did not, and he never could, justify the words "foul perjury;" but he did say this of the decisions of that House, that they were not impartial—he did not believe that there was a single Gentleman in that House who would hesitate in expressing that opinion. No one doubted it. One called it "bias," another "party feeling;" but this must be acknowledged, that instead of being that which they ought to be, impartial, they had been partial in the decisions which they had given; and he, therefore, said so. Though he did not stand there to justify the words used by the hon. and learned Member for Dublin, on the contrary, he thought those words very objectionable, at the same time he thought that if the House were called upon in the manner proposed, to vindicate their feelings and to assert the purity of their character if they acted upon the suggestion made to them, they would raise the inference against themselves that they relied not upon their character, not upon their conduct, but upon the force of their authority, and, using that weapon alone, they were afraid to appeal to public opinion. He considered that they ought to reject the motion of the noble Lord opposite. He thought it ill-considered; he thought it was unwise; and he was sure that if adopted it would not tend to the attainment of that object which its supporters had in view. The question was one that, in his opinion, ought not to be entertained, and therefore it was his intention to vote for the previous question.

Sir *William Follett* said, he should not be satisfied with giving a silent vote upon the question before the House, more especially after the speeches which had been delivered by the right hon. the Chancellor of the Exchequer and the noble Lord, the Secretary for the Home Department. It seemed to him that the opposition which was made to the motion of the noble Lord rested principally upon the ground that there were admitted difficulties in the constitution of the Committees of that House, and that it was to be inferred, that the Members disposed to vote with the noble Lord who proposed the motion, adopted the existing system. He would only say, that he had as much experience in the present system upon which their Election Committees were conducted as any one then present, and he was quite satisfied that no other Member in that House had attended more to the defects of the existing system than he had. He must also add, that none were more willing to listen to any suggestion for an alteration in the constitution of those tribunals, and to listen attentively and adopt any proposition which could tend to the destruction of the existing evil. But, then, it was a very different thing not to be satisfied with the existing tribunals, and yet ask him to sanction the charge that Members of that House had been guilty of perjury. If they asked him to believe that hon. Members went to the table to take an oath, and that then they went into a Committee predetermined to violate their honour and their oath, and decided according to the wishes of their party, or from party views, then he said he did not believe it; and he also said, that if such a charge were true, if it could be true as against any Members or any body in that House, then he should say, that the sooner they were deprived, not only of their judicial powers, but their legislative powers also, the better for themselves and for the country. He did not believe that the defects of the present system arose from corruption in the Members, but from the incompetency of the tribunal itself; it was not because they decided wilfully against the evidence of facts, but that they decided questions which they were not competent to decide. Instead of deciding upon the merits and the facts, it would be most generally found that they decided upon some frivolous and technical ground. But coming to the question before the House, he admitted, that charges of this nature were frequently put forward in the public press, and that it would be very unwise and very impolitic in that House to take notice of them; but the reason that he was inclined to notice them now was, on account of the peculiar position of the Gentleman who made them. He repeated, that it was on account of the peculiar position of that Gentleman; and he could not forget that the hon. and learned Member for Dublin had been petitioned against in a former Parliament, and had been unseated by a Committee of that House; and it could not be forgotten that the hon. Member was petitioned against in the present Parliament, and that his case must be decided by a Committee of that House; and he thought, then, that it was particularly necessary for them to notice a charge coming from a Member so situated, who might say, if Members upon their honour and their oaths decided against him, that they were perjurers; and if favourably, that they were an honourable exception to the party to which they belonged. He might ask, what must be the object and effect of this—what was the meaning of it? Was it not to deter hon. Members from serving on a Committee? Was it not likely to have that effect? Was not the effect aimed at to prevent Members from serving? He asked whether hon. Members could go to a Committee to decide with firmness and fairness when they knew that if they decided one way they would be accused of perjury? He said, that in this case the accuser standing in the position of one who was about to be tried was a reason which appeared to him a strong one, that they ought not to pass the accusation unnoticed. If there were no other reason, this alone was sufficient to justify the noble Lord in the course he had pursued. He thought it was still the more necessary to follow it when he found the noble Lord who was at the head of her Majesty's Government, instead of rising, as he supposed the noble Lord was about to do, to declare, that he did not believe in the charge—that he did not think that Members of that House had been guilty of wilful and corrupt perjury; the noble Lord had the other night risen to identify himself with the accusation. He did not mean to say that the noble Lord had not declared the imputation to be unfounded. A similar declaration had been made by the right hon. the Chancellor of the Exchequer, and the noble Lord, the Secretary at War; but then the fact was this, that the other night they had seen the leader of that House come forward to the rescue of the hon. and learned Member for Dublin, and take upon himself the responsibility of the accusation that had been made. Then after the course which the noble Lord had thought proper to take, the House ought not to shrink from the motion which was before them. It had been asked of the noble Lord who submitted the motion if he were prepared to follow it with any further motion. He did not know what course the noble Lord was prepared to take; but this he knew, that he could vote for a resolution which declared the charge preferred to be false and scandalous. He would say, that they ought to declare this a breach of privilege, even though the right hon. Gentleman, the Chancellor of the Exchequer, might be of opinion that in voting for such resolutions they ought to be followed by some other step. He did not feel this at all. He felt as an individual Member of the House that he was fully justified in saying that a charge had been made against Members of Committees that was false and slanderous, without following up this by a motion that the Member making that charge should be sent to the Tower. Let him ask, what would be the position in which any Member of that House might feel himself placed? What was the charge? Supposing he or any of his Friends around him had been serving on an Election Committee, and an hon. Gentleman should get up in his place and say that they had been guilty of wilful perjury. What course could they take? Let him ask, what would be the course which any Gentleman would take? One of two courses he must take. He must either seek personal redress or personal satisfaction himself, or that House must interfere to protect him. The charge could not be passed over. No hon. Gentleman serving on a Committee, and taunted in that House with being guilty of perjury, could pass over such a charge. If the House did not interfere to protect its Members, the consequence must be that charges of this kind would lead to all sorts of personal conflicts and demands of personal satisfaction. They had been told that in the present case there was no fear of such consequences. That was an additional reason why the House should interfere. Any person in the position of the noble Lord (who originated the motion), or any hon. Gentleman serving on a Committee, should find from the resolutions of that House protection. They should know for the future that if they decided fairly and honestly in Committee that the House would prevent a repetition of the charge. There was another reason why he felt bound to vote for the resolutions of the noble Lord. They had to decide between one or the other of the propositions before them. They must either pass to the order of the day, and say that this was not a subject which they ought to discuss at all, or they must decide whether this was a false and slanderous charge. The noble Lord (Lord John Russell) admitted that it was a false and slanderous charge; but at the same time the noble Lord told the public that it was of such little importance whether Members of that House were or were not guilty of wilful perjury—yes, that this was of such little consequence, that they should allow one of their Members to stand up in his place in the House and to say that the Members of that House were guilty, not of mistakes, not of partiality, but that they were guilty of wilful and corrupt perjury, and yet that they were to tell the country that this charge was of such little importance that the House did not think it worth its notice. He could not help thinking that passing to the order of the day was an attempt to evade this question. He could not help thinking that it would be unworthy the dignity of the House, when this question was before it, to shrink from the question. The question had been brought before them, and he called upon the House to say to the country that they would not suffer, that they would not permit, the character and honour of the Members of that House to be calumniated by a Member in his place. He did think that it was of importance to the constituency, that it was of importance to the fair administration not only of their judicial but of their legislative duties, that such charges should not be made against them. He thought it important that such charges being made should be negatived, and that in the face of the country they should say that they were not true. The charge had been made. The noble Lord admitted that it was not true; but the noble Lord had further said, that the Members of that House had been accustomed to hear these charges so often made, that there was so much colour and foundation for the charge, that it was of so little importance as not to be worthy the notice of the House. He could not bring himself to this conclusion, and therefore he would cordially vote for the resolutions.

Mr. *Chisholm* rose amidst vociferous cries of "divide," "question," and "order!" The hon. Member was understood to say, that, having served on the Marylebone Election Committee, he fully concurred in what had been stated by the Chairman of that Committee (Lord Eastnor). He had been sworn at the table of the House well and truly to try the merits of the petition in that case, and he had done so to the best of his ability and judgment.

An hon. *Member*, whose name we could not learn, said, that he had also acted as a Member of an election Committee, and he had endeavoured to act according to his honest unbiassed judgment on the evidence adduced before the Committee, without for a moment considering whether the course he pursued was favourable to the Ministerial or to the Conservative side of the House.

Alderman *Copeland* was understood to say, that he had been a Member of the Marylebone Election Committee, and he denied in the strongest terms the charge that had been made. He thought that the honour of the Members of that House was at stake, and they ought not to be drawn from the straightforward path of duty by any question of expediency.

Lord *Maidstone* rose to reply. He said that the right hon. the Chanceller of the Exchequer seemed to think, that he had come forward on this occasion without knowing what to do in the event of the House entertaining his motion, which, he need hardly say, he would press to a division. He could assure the right hon. Gentleman that he had considered this subject, and the right hon. Gentleman would find, that he had precedents, supported by considerable authority for the course he meant to pursue, when he mentioned the names of Mr. Adam, Mr. Ponsonby, Mr. Pitt. The course he meant to propose was, that the hon. and learned Member for Dublin be reprimanded in his place, and this would not be making that hon. and learned Gentleman a political martyr, or any thing like it; it would be merely punishing him properly and in the regular Parliamentary way. The noble Lord opposite (Lord John Russell) said, that they knew of other breaches of the privileges of the House, and that the effect of that night's proceedings would be to give to the party charged a title to the honours of political martyrdom. Did the noble Lord recollect the lines—

> "Justum et tenacem propositi virum
> Non civium ardor prava jubentium,
> Non vultus instantis tyranni
> Mente quatit solidâ."——

He would not trouble the House with any further remarks on the occasion. He would only say, that if hon. Gentlemen on the opposite side of the House were determined to follow the right hon. Gentlemen on the Treasury bench wherever they chose to lead them, the right hon. Gentlemen on the Treasury bench would lead them where they would regret to be.

The House divided on the question, that Lord Maidstone's motion be put—Ayes 263; Noes 254: Majority 9.

List of the Ayes.

Acland, T. D.
A'Court, Captain
Adare, Visct.
Alexander, Visct.
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barnaby, J.
Barnes, Sir E.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, P.

Bradshaw, J.
Bramston, T. W.
Broadley H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Chandos, Marq. of
Chaplin, Colonel
Chapman, A.
Chisholm, A.
Christopher, R.
Chute, W. L. W.
Clive, Visct.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Visct.
Colquhoun, J. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fielden, J.
Fitzroy, hon. H.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Henniker, Lord
Herbert, hon. S.
Herries, J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Humphery, J.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl of
Jones, J.
Jones, W.
Jones, T.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lenox, Lord A.
Lewis, W.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hn. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Visct.
Maidstone, Visct.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Meynell, Capt.
Miles, P. W. S.
Miller, W. H.
Moneypenny, T.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Norreys, Lord
O'Neil, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powell, Colonel
Praed, Winthrop M.
Price, R.
Pringle, A.
Pusey, P.
Richards, Richard
Rickford, W.
Rolleston, L.
Rose, right hon. Sir G.
Round, C. G.
Round, J.
Rushbrook, Colonel
Rushout, G.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. J.
Scarlett, hon. R.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stewart, J.
St. Paul, H.
Stuart, H.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Col.
Villiers, Visct.
Vivian, J. E.
Welby, G. E.
Wilberforce, William
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, T.
Wyndham, W.
Wynn, rt. hn. C. W.
York, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Ball, N.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Belfast, Earl of
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.

Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, E. L.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J. R.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chetwynd, Major
Chichester, J. P.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Currie, R.
Curry, W.
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duckworth, S.
Duff, J.
Duncan, Visct.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
Easthope, J.
Ebrington, Viscount
Ellice, Captain A.
Ellice rt. hon. E.
Ellice, E.
Erle, W.
Etwall, R.
Evans, Sir D. L.
Evans, G.
Evans, W.
Fazakerley, J. N.
Fenton, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Fergusson, rt. hon. C.
Finch, F.
Fitzgibbon, hon. Col.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, P. H.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Grote, G.
Guest, J. J.
Hall, B.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcote, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, F. J.
Howick, Viscount
Hume, J.
Hutton, R.
James, W.
Jephson, C. D. O.
Jervis, J.
Johnston, General
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Mahony, P.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, Sir R.
Philips, M.
Philpott, S.
Pinney W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Poulter, J. S.
Power, J.
Price, Sir R.
Pryme, G.
Pryse, P.
Redington, T. N.
Rice, right hon. T. S.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Rolfe, Sir R.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Seale, Colonel
Seymour, Lord
Slaney, R. A.
Smith, hon. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Spiers, A.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hon. C. P.
Thornley, Thomas
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
White, S.
White, L.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

Main question put, "That the expressions in the said speech, containing a charge of foul perjury against Members of that House in the discharge of their official duties was a false and scandalous imputation on their House and character."

Mr. *Hume* rose and said, after the decision which the House has come to I shall not add many words, but I do deny the right of this House to interfere with any Member. I know not where the powers of this House would end if the speeches at taverns and other places are to be taken notice of by it in this way. On this ground I regret deeply not having objected as I intended to do to the introduction of this subject. I rose for that purpose, but the hon. and learned Member for Dublin prevented me, declaring that he was ready to avow the expressions attributed to him. Indeed he could not, as a gentleman, deny having used them, and that has led to our present unpleasant situation. I maintain, that if the speeches and proceedings of Members out of this House are to be taken up in this way, there will be no end to the powers of this House; this is not an opinion which I have taken up to-day for the first time, I have always thought so, and if this course is pursued we shall have nothing else to do.

Resolution carried.

On the motion that "Mr. O'Connell, having avowed that he had used the said expressions, has been guilty of a breach of the privileges of this House."

Mr. *Callaghan* said: I feel bound to come forward and state, that however I might disapprove in private of the use of language which ears polite cannot listen to without angry feelings and feelings of reproach, I entirely concur in all the opinions and expressions avowed by the hon. Member for Dublin.

The *Speaker* said, he would call the hon. Member's attention to the fact, that the debate on this subject had been brought to a close; he would therefore put this question to the hon. Member, whether in the language which he was now using he was seeking to invite aggression on the part of the House?

Mr. *Callaghan:* I quite bear in mind the caution of the chair; but I think it due to the House and to myself to rise in my place and say, that I am not to be intimidated by a party vote. I am not to be deterred from expressing my opinion that if this vote be carried, the effect will be, that there will be no end of the tyranny of the majorities of this House. There will be no end of the tyranny of this House over the conduct of individuals, if we are to be deterred from the expression of our feelings by a party vote. I do not wish to enter into the feelings under which the hon. Member for Dublin used these expressions at the dinner at the Crown and Anchor; but there will be an end of the independence of Members of this House, if they cannot express their opinions fairly and openly, and if any tribunals erected by decisions of this House cannot have their conduct questioned. I do acknowledge that I feel strongly on this subject. I don't know what ulterior measures the noble Lord may contemplate to enforce the resolution which he has proposed; but if he succeed in carrying out his principles to the infliction of punishment, which his resolution almost renders unavoidable, then I say that it will put an end to the expression of opinions by Members of this House. I declare, therefore, that I do adopt to the fullest extent the opinions and declarations avowed by the hon. and learned Member for Dublin. I will suppose a case—that if by any vote of this House that hon. and learned Member be consigned to ignominious punishment, that he be sent to Newgate, or the Fleet, or some other abominable prison, I do declare that my sentiments are the same as his. [*Much confusion, in the midst of which*]

The *Speaker* said, that he would call the attention of the hon. Member to the vote which had just been come to by the House, and the hon. Member was, therefore, acting very disrespectfully to the House in re-asserting the opinion and sentiments which had been condemned by that vote.

Mr. *Callaghan:* I really feel strongly. On a matter of order no man is less disposed than myself to show disrespect to the decision of the chair, but on a subject which involves the rights of individuals, as this does, I do declare, and I claim to avow it, that I do adopt to the utmost the language of the hon. and learned Member for Dublin. [*Great Laughter and Cheers.*] I defy the power of this House to put down the expression of opinion.

Mr. *Edmund Burke Roche:* Representing as I do one of the largest constituencies in Ireland, and reflecting that this subject is one in which the Irish Members of this House are deeply involved, I cannot refrain from saying, that I concur to the fullest degree in the sentiments of the hon. Member for Dublin.

Mr. *Gillon:* Sir, I shall vote against the resolution that Mr. O'Connell has been guilty of a breach of the privileges of this House; and, moreover, I beg to reiterate all that that hon. Member has said. This House may just as well attempt to stand on the beach of the sea and attempt to turn back its waves as to prevent the expression of opinion. The opinion of the people out of doors is with the hon. and learned Member for Dublin. This House may come to what resolutions it pleases, but the public out of doors will still believe that the decisions of Committees of this House are come to on party and factious motives. There has been nothing said or done to-night to alter that opinion; and I, therefore, cordially concur in the sentiments of the hon. Member for Dublin. I deny, that these expressions are a breach of the privileges of the House, and I shall take a division on the subject.

Mr. *Somers* said, that he most cordially concurred in the expressions used by the hon. and learned Member for Dublin at the Crown and Anchor.

Mr. Brotherton moved an adjournment of the House.

Lord *John Russell* said, the hon. Member for Salford having made a motion for adjournment, I think it my duty to statn shortly how I shall vote upon the questioe now before the House. When the noble Lord proposed to bring forward this subject it certainly appeared to me that it would be better for the House not to entertain the question at all. The House, however, has overruled that impression, and has voted a resolution that the expressions used by Mr. O'Connell contain a false and scandalous imputation against Members of this House. There can be no doubt that Mr. O'Connell has avowed the words attributed to him, imputing foul perjury to Members of certain Committees of this House, and that being the case, the main question now before us is that those words amount to a breach of the privileges of this House, and that is a proposition to which I cannot refuse my assent. It is true I could get rid of this question by voting for the adjournment, but this I shall not do, as I think (so we understood) the sense of the House ought to be taken on the main question. At the same time I beg to say that I do not at all regret the vote I have just given. I have only one word to add. Many hon. Members opposite have pointed out in the course of the debate that we should run great danger if we did not, by some positive resolutions, censure the speech of the hon. Member for Dublin, that the same charges of perjury would be frequently repeated by other Members of the House; and that difficulty it appears we have already incurred. Several hon. Members have already said, that they concur in the expressions used by Mr. O'Connell, and the noble Lord who moves these resolutions will, after that, take whatever course he thinks proper on the subject; but, I think that it is pretty clear that hon. Members, who have brought forward these resolutions with a view to clearing the House from the imputations cast upon its Committees, have totally failed of their object in the division which has just been had. Hon. Members may obtain a majority; but does that necessarily confirm a right? This House is naturally jealous of its privileges; but I think that those privileges are best secured when they are most moderately exercised.

Mr. *H. Grattan* said, he hoped the House and the public would take note of these proceedings, when they recollected that the Catholic Members of that House had all been accused of perjury. Did the House recollect the legal opinion of an hon. Baronet opposite on a former occasion, in answer to the hon. Member for Liskeard, that there was only one way in which these imputations could be met in this House, namely, by censure; and one way out of it, namely, by personal satisfaction. Did hon. Members opposite forget that opinion? He knew these Committees well, though he had never sat on one; but he had often attended them, and he would not say, that hon. Members who sat on them were perjurers, but, so help him God! he had seen them make such decisions that he would tell them to their faces that they were not honest men. He would say more; he would mention names. [*"No, no!" "Name, name!"*] He would state a fact. He saw a letter written within thirty yards of this place to a Tory Member of a Committee, asking for five minutes delay, for the writer to come down and give evidence in support of a vote. This delay was asked because he was detained, his child being sick; but, notwithstanding this, the Committee would not wait, and the vote was struck off. He had seen enough of the conduct of these Committees to agree most fully in the sentiments which had been uttered by hon. Members on his side of the House. This was a mere party decision against him and his Friends because they were Irishmen. He held in his hand a paper which should cry shame to them all. It contained the list of Members called upon a Committee, and of those struck off at the ballot, and he would show that on this Committee not a single Irishman called was allowed to sit. What would the House say if, upon an English election petition, the name of every Englishman was struck off in this way? He maintained that this was a mere party vote against the hon. Member for Dublin, a vote come to because he was hated by hon. Gentlemen opposite. This was a most contemptible and wretched proceeding on the part of the noble Lord opposite; and yet the noble Lord did not reflect how far it would carry him if he had the courage to pursue it to the end. No, the noble Lord had not the courage to send Mr. O'Connell to Newgate. He asked the noble Lord to do it if he dared. [*Cheering, Order !*]

The *Speaker* said, the hon. Member on reflection must feel that he was expressing his opinions in a manner and tone which ought to be avoided.

Mr. *H. Grattan* said, he did not mean to say that hon. Members opposite were deficient in personal courage, but that they had not the political courage to carry out to the end, the course which they had adopted to-night in bringing forward these resolutions. The hon. Member for Oxford had last year charged the Irish Members with being guilty of perjury, yet there never was brought before the House a motion declaring such a statement to be a breach of the privileges of Parliament, of so little account were these privileges and the honour of individuals then held. But if hon. Gentlemen were so anxious on the subject of perjury he would give them an opportunity of expressing their opinions, or he would resign his seat to-morrow. [*cheers.*] In what he said there was no cause for such cheers of exultation, for he could tell hon. Members opposite that if he were put out of the county of Meath he should be returned for the county of Longford. He repeated, he should feel bound to resign his seat if he were not prepared to follow up the present motion, and divide the House on the question whether a number of Members of the Catholic persuasion were to be charged with the foulest and grossest perjury without having those who uttered those calumnies brought to the bar of that House? The Roman Catholics felt strongly exasperated by the charge which the Bishop of Exeter had made against them of treachery super-added to perjury. He asked, the noble Lord (Lord Maidstone) whether he was prepared to follow up the proposition which he had made? If he were not, all he could say was, that he could never bring himself to convey, by the use of language, a direct insult to individuals, and, therefore, he could not adopt the words of the hon. and learned Member for Dublin; but he should go as near them in expressing his opinion of the conduct of certain Members of that House as was consistent with an observance of the rule which he had laid down.

Motion for adjournment withdrawn, and the question was put, "That Mr. O'Connell having avowed that he had used the said expressions, has been guilty of a breach of the privileges of the House; the House divided:—Ayes, 293; Noes 85; Majority, 208.

List of the AYES.

Acland, T. D.
A'Court, Captain
Adam, Sir C.
Adare, Viscount
Alexander, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, F. T.
Baring, hon. W. B.
Barneby, J.
Barnes, Sir E.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Belfast, Earl of
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethel, R.
Blackburne, I.
Blackett, C.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Byng, rt. hon. G. S.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Chandos, Marquess
Chaplin, Colonel
Chichester, J. P.
Chisholm, A. W.
Christopher, R. A.
Chute, W. L. W.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A.
Cole, Viscount
Colquhoun, Sir J.
Colquhoun, J. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Craig, W. G.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
Denison, W. J.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord F.
Elliot, Lord
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. I.
Farnham, E. B.
Farrand, R.

Fielden, W.
Fitzroy, hon. H.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess
Grant, hon. Colonel
Greene, T.
Greenaway, C.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, John H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. A'Court
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, R.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, W.
Jones, T.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Lambton, H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lefroy, right hon. T.
Lemon, Sir C.
Lewis, W.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Maidstone, Viscout
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Melgund, Viscount
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Moneypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Neeld, J.
Neeld, John
Norreys, Lord
O'Neil, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Pinney, W.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Ponsonby, C. F. A. C.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Rice, right hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Seymour, Lord
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Steuart, R.
Stewart, J.
Stuart, H.
Stuart, V.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Thompson, Alderman
Thomson, rt. hon. C.P.
Thornhill, G.
Tollemache, F.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir T.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Villiers, Viscount
Vivian, J. E.
Welby, G. E.
Wilberforce, W.
Williams, R.
Williams, T. P.
Wilshere, W. E.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, T.
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hon. C. W.
York, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H. B.
Fremantle, Sir T.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Archbold, R.
Attwood, T.
Ball, N.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Blake, M. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgman, H.
Brotherton, J.
Browne, R. D.
Bryan, G.
Butler, hon. C.
Callaghan, D.
Carnac, Sir J. R.
Clements, Viscount
Collins, W.
Dalmeny, Lord
Davies, Colonel
Dennistoun, J.
Duff, J.
Dundas, C. W. D.
Dundas, Frederick
Dundas, hon. J. C.
Elice, E.
Erle, W.
Evans, Sir D. L.
Evans, G.
Finch, F.
Fitzsimon, N.
Grattan, H.
Hawes, B.
Hayter, W. G.
Hollond, R.
Jephson, C. D. O.
Johnson, General
Lister, E. C.
Lushington, C.
Macnamara, Major
Mahony, P.
Marsland, H.
Martin, J.
Maule, W. H.
Nagle, Sir R.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Parrott, J.
Pattison, J.
Pechell, Captain
Power, J.
Pryme, G.
Roche, E. B.
Roche, W.
Salwey, Colonel
Seale Colonel
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Strickland, Sir G.
Talbot, J. H.
Talfourd, Sergeant

Tancred, H. W.
Vigors, N. A.
Wakley, T.
Walker, C. A.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, S.
Williams, W.
Williams, W. A.
Wood, Sir M.
Woulfe, Sergeant
Wyse, T.
Yates, J. A.

TELLERS.

Gillon, W. D.
Hume, J.

Lord Maidstone moved, "That Mr. O'Connell having been found guilty of a breach of the privileges of the House, be reprimanded for the same in his place by the Speaker."

Mr. Maunsell seconded the motion.

Lord *John Russell* said, I cannot bring myself to believe that the noble Lord will persist in the motion which has been just put, for he referred to no precedents and no instances of Members of this House who, upon being found by the House (an impartial jury) guilty of the charge of accusing other Members of perjury, were reprimanded by the Speaker in their places. There is no doubt that the right hon. Gentleman, the Member for Montgomeryshire, can give information to the House on this subject; but even in that case it must be recollected that the Members of the House have had no notice of the noble Lord's motion, or time to see what other precedents there are which might show that the House is not justified in taking the course which is proposed. For my own part I conceive that, having said of the hon. and learned Member for Dublin that he he made "a false, scandalous, and calumnious charge"—that with the open avowal of the hon. and learned Member of having used the language imputed to him, and from the course which he is likely to pursue with regard to what we have heard to-night, merely voting to reprimand him in his place is the most shabby, the most faint-hearted, and pusillanimous course that could be adopted. Why, if this were the case of a miserable and unfortunate printer earning his guinea a week, we should send him probably for some months to prison, exercise towards him acts of great severity, and plume ourselves very much on our justice in so doing. But the hon. and learned Member for Dublin is too formidable a person to be so dealt with. You have screwed up your courage to pass this resolution; but what will be its effect? Why, it will operate as so much waste paper, and to-morrow you will have some hundred Members of the House, ay, some of them with a copy of this your resolution in their hands, coming down here and reiterating in their places the very expressions you now state to be false and scandalous. I think really that when the noble Lord made up his mind to touch this matter at all, he ought to have maturely considered to what length he might be led in the event of success. For my part I must say I do not know where all this is to end. The noble Lord says he cannot tell where I propose leading my followers, but I must say I think he has already led his into an untenable and false position—the most pitiable situation that ever men awoke and found themselves in; a position in which their only excuse for not going further is to be found in the extreme folly—a folly incapable of being repaired—of having once began an attack which they cannot carry on to victory.

Mr. *Williams Wynn* rose, but for some time could not, despite the efforts of the Speaker, obtain a hearing. At length, order being in some degree restored, he said: The noble Lord has asked me to state to the House the precedents in favour of the course of proceeding which it is proposed to adopt with the view of giving effect to the resolution the House has already agreed to. I shall endeavour to meet his call, and that as briefly as I can! ["Question!" and confusion.] I do hope the House will hear me, especially as I rise solely in consequence of the appeal of the noble Lord. I will pass by the earlier instance of Sir William Wyndham reprimanded by the vote of the Whigs in 1715, on the motion of Sir Robert Walpole. The first precedent on which I rely occurred in 1790, and will be found in the narrative of this House's proceedings in the case of the public impeachment of Mr. Warren Hastings. General Burgoyne, supported by Mr. Burke, Mr. Fox, Mr. Wyndham, and other managers of the impeachment, made a complaint to the house of Major Scott, for having caused to be inserted in a public newspaper an attack on certain Members for their conduct in the management of the impeachment. Major Scott avowed the Act imputed to him, and the House came to very nearly—as nearly I may say as possible—the same decision as that pronounced this evening. If I am not mistaken, nay, I am positive, the father of the noble Lord opposite, the present Earl Grey, then one of the managers of the impeachment, was the seconder of the motion. The only difference between that case and the present is, that in that instance the slander was published by the Member; in this, it was delivered orally. Well, the words in the newspaper being agreed to be malicious and scandalous, a motion was made, that Major Scott should be reprimanded at the bar. Upon this Mr. Pitt got up and said, that though he concurred perfectly in the motions which had been agreed to, he thought the most moderate punishment should be inflicted, which in such cases he understood to be a reprimand addressed by the Speaker of the House to the hon. Member in his place. In an amendment to this effect, after some discussion, the House, without a division, acquiesced, and it was agreed that Major Scott should be reprimanded in his place by the Speaker, the which was accordingly done. But, Sir, there is another case in favour of the course we propose to adopt, and that is the case of Sir Francis Burdett, in which it was proposed to adopt the course we now propose following. In the case of Sir F. Burdett, in 1810, on its being moved, that he be committed to the Tower, an amendment was proposed, that he be reprimanded in his place. That amendment, Sir, I had the honour to support, in company with yourself, Mr. Ponsonby, Mr. Adam, Sir J. Anstruther, and every one, in short, of those then in the House of Commons, whom the noble Lord opposite would now, if it suited his purpose so to do, cite as the first authorities in Parliamentary law. We found ourselves, indeed, in a minority, and a severer punishment was awarded, but no one then contended that our proposal was unprecedented or unparliamentary.

Mr. *M. J. O'Connell* commenced by observing, that his connexion with the hon. and learned Member whom the resolutions just agreed to by the House had so seriously impugned, coupled with his inexperience in Parliamentary speaking, rendered him somewhat diffident of intruding often on the notice of the House, and therefore it was, that in common with many of his friends around him he had borne in silence the charge of perjury so frequently urged against them from the bench yonder, and from a bench in another place where religion and lawn sleeves sat enthroned, but from which charity and meekness of spirit appeared to have been for ever driven. He did not now rise to repel that charge, or indeed to complain of anything personal to himself, but simply to ask both sides of the House what they thought, and, above all, what they supposed, the whole country would think, of so pitiful a termination to so pompous an exordium as would be presented by the narration of the case they were now deciding? A better, a more complete illustration of the fable of the mountain and the mouse never had occurred and never could again occur. The right hon. Member for Montgomery had affected to supply the House with precedents for the course proposed to be adopted, but had he stated what was the nature of the newspaper article which formed the ground of complaint against Major Scott? Was it a charge of foul perjury against the managers of the impeachment? Here was an hon. and learned Member declared guilty of having committed a gross and monstrous breach of the privileges of the House, by imputing to it the crime of foul perjury, and what was to be thought—what would the country think—when it was found that the only punishment those who brought forward the charge dared to propose against the individual so offending was, that he should be reprimanded in his place. If the noble Lord and his coadjutors on the opposite side had followed the known practice of Parliament, and moved the commitment of the hon. and learned Member for Dublin to the Tower—much as he, and those around him, might differ as to the expediency of the course pursued in taking notice at all of the matter—much as they might think it imprudent or ridiculous—they would, at all events, have one and all agreed, that it had the merit of openness, manliness, and consistency. He could not help thinking, that hon. Members opposite were already regretting the step they had taken [" *No, no!*"] They might cry " no, no," and laugh at what he asserted, but he nevertheless firmly believed it, and advanced it quite seriously. At all events, if they did not regret their folly now, they would ere long. With regard to the resolution immediately before the House, he cared little whether it was agreed to or not. Indeed, if he had any opinion respecting the matter, it was, that it would be better for the hon. and learned Member for Dublin that it should pass. If it did, its sole effect would be to place the ludicrousness of the whole proceeding more strongly before the public mind. Suppose the hon. and learned Member were to receive the reprimand addressed to him by the chair in the same calm manner that he had that night heard the charge of the noble Lord, and then should rise in his place and say, that nothing which had occurred had altered his views on the matter, and repeat his assertion, what would be the result? Would not the effect of the original accusation be strengthened. Would not the feeling in the public mind be thereby more roused to the subject?—in short, would not the sole result of the proceeding be to add fuel to the already widely-spread flame? The House had heard many illustrations of the allegations that election Committees of the House of Commons were supposed by the public to decide favourably according to their party feeling; but, perhaps, one of the strongest proofs of the fact was to be found in an article inserted in the newspaper he then held in his hand; it was *The Limerick Chronicle* of the 10th of February, and purported to be a letter written by the London correspondent of that journal on the very first day on which election ballots took place in that House. It was dated "House of Commons, half-past five," and there occurred the following passage, "The ballots are over—we have lost Salford and Roxburgh, but we have gained Ipswich." [" *Question.*"] Was not this to the question? When was this letter written?—five minutes perhaps after the ballots were struck in these cases; and singularly enough, the report presented in the early part of the evening from the last Committee named had fulfilled to the letter the prophecy thus made. These were things which ought to go forth to the public, and when they did, they could not fail of producing their effect. But to return to the discussion. He had made up his mind not to state what were his opinions upon the subject —particularly as by doing so he should only get a reprimand. There might be some honour gained by going to Newgate, and great glory by being sent to the Tower; but it would be, indeed, seeking empty renown were he by stating his opinions to draw down upon his head merely a reprimand. In conclusion, he begged to express his firm conviction, that if the noble Lord opposite and his coadjutors persevered in the resolution before the chair, its only effect would be to give the country at large a very disgraceful and degrading opinion of their conduct; for the whole night's proceedings would wear the appearance of commencing in folly, and terminating in a want of manliness and political courage on the part of its managers.

Mr. *Jenkins* said, as the hon. Member who last spoke had alluded to the decision of the Ipswich Committee, he felt called upon to make a few observations. That Committee had sat three weeks, and their conduct was before the public [" *Question.*"] The House could not be aware of the facts; but if the hon. Member meant to impugn the decision of the Committee, he ought to move for the evidence taken before it.

Mr. *M. J. O'Connell:* I did not mean to impugn the decision of the Committee.

Mr. *Barron:* Then I do. [*Cheers and cries of " Question!"*] It is a most extraordinary fact. The whole question before the Ipswich Committee turned upon the point as to whether parish constables had a right—[*Uproar.*] I wish the country to know it. I ask the hon. Member, if the whole question brought before the Ipswich Committee did not depend on this point, whether parish constables had not a right to vote at elections. [*Uproar.*] I will be heard [*No, no! Divide!*] If I am rightly informed the Committee that sat [*Withdraw!*] I have a grave accusation to make against this Ipswich Committee. Heard I will be. I am going to ask the hon. Member opposite a question. It may be an inconvenient question—an awful question— and therefore they think to stifle my voice—but they shall not succeed, and the country shall judge between us. I now ask the hon. Member opposite (Mr. Jenkins), whether the Committee of which he was a Member did not decide on this question, as to whether parish constables had a right to vote at elections. [" *Yes!*" " *Divide, divide!*"] Now, then, comes my charge, and it is a grave one. I have to state, that on the former inquiry on the Ipswich case, a Tory Committee decided that parish constables had a right to vote, and this day I am informed that a Tory Committee on the same question, in the same place, and on the same subject, decided exactly the contrary. And what, let me ask, was the result of these contradictory decisions? In the former case, by deciding that parish constables had a right to vote they contrived to seat their friend; to-day, by deciding that they had no such right, they seated their friend.

Mr. *Jenkins:* I assert that the Ipswich Committee has properly discharged its duty, and has decided as the law authorised them to decide. The House can know nothing of the matter, and, therefore, if the hon. Member opposite thinks we have come to an unjust decision, it will be his duty to move for the minutes of the evidence in the case.

Mr. *Hume* said: I wish, Sir, before the House proceeds to decide upon the resolution before them, to remedy what I cannot but consider an inconsistency in their proceedings. We have decided by a majority, which under circumstances I cannot but designate as a large one, that the expressions used by the hon. and learned Member for Dublin, are a false and scandalous imputation upon the conduct of Members of this House; and that, by having used them, that hon. and learned individual has committed a breach of our privileges. In despite of this resolution, however, we have heard other hon. Members of this House avow that they participated in the opinions of the hon. and learned Member for Dublin, and declare that they made his words their own. Now, Sir, to be consistent, I maintain that we ought to vote that those other Members who, in terms, have made in their places the same declaration that we have agreed is false and scandalous, are guilty alike with the hon. and learned Member for Dublin of a breach of our privileges. I say, Sir, I cannot conceive, for one moment, that we can hesitate placing these six or seven (perhaps they will be sixty or seventy by-and-by) Members in the same situation as the hon. Member for Dublin, for they have offended equally with him, and are equally responsible for their words. Be, then, consistent, and place them all in the same situation. [" *No, no!*"] I differ entirely from the proceedings that have been taken, and see in them no small mischief; but, nevertheless, I think we ought to be consistent. [" *Move, move!*"] Then, Sir, I beg to move that " Mr. D. Callaghan, Member for the city of Cork; Mr. E. Roche, Member for the county of Cork; Mr. P. Somers, Member for the borough of Sligo; and Mr. Gillon, Member for Falkirk, having in their places avowed their adoption of the expression of Mr. O'Connell, are guilty of a breach of the privileges of this House."

Great confusion followed this motion.

Mr. *Williams Wynn* rose and said: I apprehend, Sir, it is practically impossible, and contrary to any regulation of the House, that this motion of the hon. Member for Kilkenny can be maintained [*Loud cries of " Yes, yes," " Put the Question."*] If I am not mistaken, Sir, and it will be your duty to correct me if I am, no exception can be taken to expressions made use of by an hon. Member of this House, unless that exception is taken at the moment he makes use of them.

Mr. *Callaghan* said: Having, Sir, been pointedly named in the resolution just submitted to the House by the hon. Member for Kilkenny, I feel myself entitled to the indulgence of the House while I offer them a very few observations. I feel myself, Sir, in no degree connected with what has taken place out of this House, nor, except from the proceedings here this evening, have I any knowledge of it. But having been present at the discussion of this evening, and finding that by the decision to which the House came upon the motion of the noble Lord the freedom of speech was placed at great hazard, and that in the person of the hon. and learned Member for Dublin our privileges in regard to freedom of speech, both in and out of this House, was assailed, I did feel myself, without any consultation with any living person, bound to come forward and state what I repeat before I took my place here I had no previous intention of doing —namely, that I adopted to the full—

The *Speaker:* I can have no right to interfere with the hon. Member, further than to call his attention to the duty which, as one of its Members, he owes to this House. If the hon. Member is about to repeat the assertions he has already made this evening, I would put it to him to consider whether, in so doing, his conduct would be decorous to the House or consistent with the duty he owes to it.

Mr. *Callaghan:* I beg to assure you, Sir, that no man can be more disposed to bow to your decision, or less disposed to question the accuracy of your judgment, than I am. As, however, it has been stated by you, Sir, and by the right hon. Member for Montgomeryshire, that no exception can be taken to any expression used by an hon. Member unless that exception is taken at the moment the expression is uttered. I beg, while with great humility I assure you, that no man can be less disposed than I am to impugn the decision of this House, and that the sole object I have in intruding myself on its notice is the maintenance of its privileges, and especially that of the freedom of speech, to declare that I share in the sentiments attributed to the hon. and learned Member for the city of Dublin, and that I adopt to the letter and word every expression he has used.

Mr. *Hume:* Sir, I move that the words now uttered by the hon. Member for Cork be taken down in writing by the clerk.

Mr. *Callaghan* again rose, and deliberately said: I avow, Sir, standing here in my place as the Representative of the city of Cork—I avow the sentiments attributed to the hon. Member for Dublin, and admitted by him to be correctly published; and I adopt those expressions to the word and to the letter.

The Clerk of the House having written down the words and handed them to the hon. Member, who declared them to be correctly written,

Mr. *Hume* rose and said: As the hon. Member has now, in the presence of the House, reiterated his words, I presume that no hon. Member will dispute that the words are within the scope of the resolution which I hold in my hand, and which I have read to the House. If there be any difference of opinion upon this subject, I hope that the objection will now be taken. I move, then, Sir, that "Daniel Callaghan, esq., having avowed that he adopted the sentiments used by Mr. O'Connell, is guilty of a breach of the privileges of this House."

The *Speaker* said, that the two motions ought, in his opinion, and for the sake of the regularity of their proceedings, to be taken separately.

Mr. *Hume* submitted, that they ought not to censure the hon. Member for Dublin, who was absent, when individuals present in that House had used the same expressions; and he thought that the House ought, at once, to come to a decision upon his motion.

The *Speaker:* The House is aware that there is a motion before them: an incidental objection is taken in the course of the debate, after the original question has been put to the House; and for the regularity of our proceedings the House ought first to dispose of the original question.

Mr. *Hume:* I submitted, Sir, a motion into your hands, to which an exception was taken on a point of form: every person in the House had heard the words used, but the right hon. Gentleman had taken a technical objection; and with the view of completing the amendment on the mere point of form, the hon. Member for Cork repeated his words.

The *Speaker:* The hon. Member does not perceive the force of the objection as connected with the regularity of the proceedings of the House. It is true, that the hon. Member proposed an amendment to the original motion, which on account of irregularity was not put. The House was then in the same situation as if no amendment had been made—it was then out of the consideration of the House, for which the original question alone remained. An hon. Member rises in his place, and in the course of his speech uses some words which another hon. Member thinks fit to notify to the House and to have them taken down. In such case, it is not orderly to have the words taken down inserted in the original motion by way of amendment.

Mr. *Hume:* Then, Sir, I withdraw my amendment, and think that the best course will be to move the adjournment of the debate till to-morrow.

Mr. *H. Grattan* hoped the hon. Member would not persevere, as he had a motion to make by way of amendment. He moved, that the following words be added to the original motion:—"Notwishstanding that the Members for the county of Cork, for the city of Cork, for the borough of Sligo, for the borough of Liskeard, and for the burgh of Falkirk, have avowed the sentiments of the hon. Member for Dublin, and have adopted them in their places."

After some confusion, a motion having been made for the House to adjourn, the question was put on that motion, and the House divided:—Ayes 159; Noes 246: Majority 87.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Ball, N.
Baring, F. T.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Belfast, Earl of
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Browne, R. D.

Buller, C.
Busfield, W.
Byng, right hon. G. S.
Callaghan, D.
Carnac, Sir J. R.
Cavendish, hon. C.
Chichester, J. P. B.
Clements, Viscount
Clive, E. B.
Collins, W.
Craig, W. G.
Curry, W.
Dalmeny, Lord
Dennistoun, J.
Divett, E.
Duncan, Viscount
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Easthope, J.
Ebrington, Viscount
Ellice, E.
Erle, W.
Etwall, R.
Evans, G.
Fazakerley, J. N.
Fenton, J.
Fergusson, rt. hon. C.
Fitzsimon, N.
Fleetwood, P. H.
Fort, J.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Guest, J. J.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Howick, Viscount
Hume, J.
Hutton, R.
Jephson, C. D. O.
Jervis, J.
Johnson, General
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mahony, P.
Marshall, W.
Martin, J.
Maule, hon. F.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
Palmerston, Viscount
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Ponsonby, C. F. A. C.
Power, J.
Price, Sir R.
Pryse, P.
Redington, T. N.
Rice, rt. hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Salwey, Colonel
Seale, Colonel
Seymour, Lord
Somers, J. P.
Somerville, Sir W. M.
Stanley, E. J.
Stansfield, W. R. C.
Steuart, R.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hon. C. P.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, rt. hon. Sir H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, S.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
Brotherton, J.
Finch, F.

List of the Noes.

Acland, T. D.
A'Court, Captain
Adare, Viscount
Alexander, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. W. B.
Barneby, J.
Barnes, Sir E.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord
Bruges, W. H. L.
Buller, Sir J. Yarde
Campbell, Sir Hugh
Canning, rt. hon. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Chandos, Marq. of
Chaplin, Colonel
Chisholm, A. W.
Christopher, R. A.
Chute, W. L. W.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. Fr. S.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fitzroy, hon. H.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.

Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, W.
Jones, T.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lewis, W.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Maidstone, Viscount
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Moneypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Norreys, Lord
O'Neil, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Packington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Peel, rt. hon. Sir R.
Peel, J.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Welby, G. E.
Wilberforce, W.
Williams, R.
Williams, T. P.
Winnington, T. E.
Wodehouse, E.
Wood, T.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Baring, H. B.
Fremantle, Sir T.

Question that Mr. O'Connell be reprimanded again put,

Mr. *Charles Buller* endeavoured to address the House, which manifested much impatience. It did not appear to him that charges of such a nature as those which had been the subject of discussion that night were aggravated by the offensiveness of the language in which they were couched; on the contrary, he thought that the coarseness of the language employed diminished the force of the charge. He wished, therefore, deliberately to bring under the consideration of the House the language which had that night been employed by the right hon. and learned Member for Ripon (Sir Edward Sugden). That right hon. and learned Gentleman used words which, from their very calmness and mildness, appeared to him to convey an imputation most derogatory to the Members of that House; because the right hon. and learned Gentleman said deliberately that the Members of Election Committees were influenced in their decisions by a party bias. Therefore, continued the hon. Gentleman, when you have gone through the various motions of reprimands and committals—(I do not know, whether I shall then have the honour of being left in the House, or whether I shall be obliged to join the party in Newgate or the Tower); but if I remain in the House, I shall certainly move that the right hon. and learned Member for Ripon be added to our party, whatever our destination may be. Meantime, I beg leave now to move that this debate be adjourned till to-morrow.

Sir *R. Peel*, after the opinion already expressed by so large a majority of the House, protested against the motion with which the hon. Member had concluded. Anticipating, however, from the spirit manifested on the opposite side of the House, that if a division were again to take place, the motion, though defeated, would be followed by others of a similar kind, he should decline any further contest upon the point.

Debate adjourned till next day.

HOUSE OF LORDS,

Tuesday, February 27, 1838.

MINUTES.] Bill. Read a third time: Custody of Insane Persons.

Petitions presented. By Lord DACRE, from Wisbeach, and several other places, by the Duke of CLEVELAND, from Stockton-upon-Tees, by the Duke of SUTHERLAND, from Kelso, and several places in Scotland, and by Lord BROUGHAM, from Taunton, Wellington, Appleby, Burnham-market, Cardiff, Evesham, Newcastle-upon-Tyne, and many other places, for the immediate and total abolition of Slavery.—By the Bishop of EXETER, from inhabitants of the city of Cork, to protect the Protestant Church against the Roman Catholics.—By the Earl of RADNOR, from Bradford (Wilts), and by Lord BROUGHAM, from St. Michael's, Dublin, for the Ballot.—By Lord BROUGHAM, from the Benevolent Society of Smiths, London, for an extension of the royal mercy to the Glasgow Cotton Spinners; and from St. Michael's Dublin, against Tithes, and for Municipal Reform in Ireland.—By Lord LYNDHURST, from the Cordwainers of Glasgow, complaining of the combination of workmen, and praying for an inquiry.

THE PENITENTIARY.] Lord *Brougham* wished to ask a question of the noble Viscount (Viscount Melbourne) relating to a statement which had become public, and to which he (Lord Brougham) should not have called the attention of the House if it had been made in a vague and uncertain manner; but it was a statement which had been very distinctly and very specifically made in public at a meeting of magistrates, and, as he understood, had attracted much of public attention. It related to a person whom he ought to call a gentlewoman if she had not degraded herself by crime. It related to Miss Newman, who, as their Lordships might recollect, was tried with her mother at the Old Bailey, and found guilty upon two of the worst out of five indictments for an extensive system of robbery. Being so found guilty, Miss Newman was sentenced to fourteen years' transportation, which sentence was commuted to imprisonment in the Penitentiary, where she was some time confined, but whence, under very suspicious circumstances (and this was the ground of his question), she had of late been transferred to Bethlem or to some other public lunatic asylum. The matron of that hospital, shortly after Miss Newman became an inmate of it, had a suspicion awakened in her mind that all was not right; she thought that some partiality had been shown and that some favour was intended towards this person, whose disease she suspected was not real. It certainly was remarkable, seeing that Miss Newman had availed herself of the best legal advice, that insanity was not set up either at the trial as a defence against the charge, nor subsequently, when she had been found guilty, to prevent her receiving sentence. Their Lordships were aware that no person could be punished, that no person could even receive sentence, any more than he could be tried, if the mind were alienated at the period at which he was brought up for judgment. This made the whole case very suspicious. It appeared extraordinary that a person who had been engaged in such a complicated course of guilt, who had displayed so much skill, so much collectedness of mind in the commission of crime, should all at once be driven distracted simply by a sentence which certainly was not more severe than she must have anticipated. But upon a few days' further acquaintance the matron, being a skilful person, became certain that the madness was not real, as she saw in the patient none of the symptoms which attended that woful malady. The matron then intimated to this person that her art was discovered, and would not be allowed to screen her; adding that if she went on feigning madness she would be treated as she feigned, and be made subject to the discipline of the House. Whereupon the feigning ceased, and the patient, with strange rapidity, relapsed into a state of sanity. It was said, however, that this person still continued in the lunatic asylum—that though known to be perfectly sane, she had not been restored to the Penitentiary, but was allowed to enjoy a state of great ease and great comparative comfort, in a place whose proper inmates were those who suffered from nature's severest misfortune—not those who were deeply stained by the world's crime. These were the facts stated at the meeting of the justices, and he therefore wished to know from the noble Viscount whether they were correct or not. He begged to add that the noble Viscount could, on this occasion, have no ground of complaint against him for not giving notice of the question he intended to ask. In the first place, the subject was broached last night in the House, and it might therefore be reasonably supposed that the noble Viscount would be fully prepared to give any answer that might be required to-day. But that there might be no doubt upon the point, he (Lord Brougham) thought it might be as well to give a formal notice of his intention. Therefore between seven and eight o'clock that morning, he sent a note to the noble Viscount, couched in as respectful terms as he could employ, intimating his intention of putting a question that evening; but adding, that by so giving a formal notice he (Lord Brougham) by no means intended to express disapprobation of the opposite course, namely, the bringing forward such a motion or the putting such a question as the present without any notice at all. He believed that the note so sent by him to the noble Viscount had been received, though the noble Viscount had not deemed it necessary to favour him with a reply.

Viscount *Melbourne* had certainly received the noble and learned Lord's note, and as the object of it seemed to extend no further than to give notice of certain business to be transacted in that House, he really had not thought it necessary to go through the form and ceremony of returning an answer. He now begged pardon for the omission; and at the same time begged leave to thank the noble and learned Lord for the very temperate and fair manner in which he had brought forward the question, as well as for his courtesy in giving notice of his intention to introduce it—a course which tended more than any other, not merely to his convenience, which was nothing, but to a full, fair, and satisfactory discussion of any topic that might be brought under the consideration of the House. The facts which the noble and learned Lord had related with respect to this individual were for the most part true. Miss Newman was convicted along with her mother, in February 1837, of various acts of robbery. It was a conviction which excited a good deal of attention at the time, and was regarded as a matter of interest all over the town. The sentence passed upon her was fourteen years' transportation. That sentence, however, was commuted to confinement in the Penitentiary upon the special recommendation of the learned Judge who tried the case—the Recorder of London. The Secretary of State yielded to the recommendation of the learned Judge, although it was in some degree contrary to what otherwise would have been his opinion; and this person was confined in the Penitentiary. Not long after she had become an inmate of that establishment there came the strongest representations possible from the governor, of the great disturbances which she created in the prison; of the great difficulty of managing her; of her breaking through all rules; and of the utter impossibility of confining her within any of the decent bounds of order. She refused food—violently assaulted every person who came near her—made loud outcries, and, in short, disturbed the whole prison. Of this conduct the governor made repeated representations. At the same time he must observe, that although the actions of this person were the actions of derangement, it was for a long time the opinion of the governor, and also of the medical attendant of the prison, that the madness was simulated and pretended. However, this nuisance, this annoyance to the governor and to the whole prison, continued more and more; and as the actions of the disturber were the actions of a mad woman, Dr. Monro was desired by the government to see her, and report upon her case. Dr. Monro accordingly saw her, considered her case, and gave it as his opinion that her madness was pretended. He held in his hand two letters written by Dr. Monro, in which that gentleman stated what were the symptoms and what his opinion of her case. In the first letter, which was dated the 20th of September, 1837, Dr. Monro, after entering into some detail of the case, said, "I am persuaded that the symptoms she exhibits are assumed." And again, in the second letter, which was dated Oct. 23, 1837, he said, "Having again visited Julia Newman, in the prison at Millbank, I see no reason to reverse my former opinion." About this time, however, there began to prevail in the prison a different opinion. The medical attendant of the Penitentiary, who previously had strongly coincided in the opinion expressed by Dr. Monro, began to waver in that opinion, and to entertain the idea that this person was actually insane. It must be observed that Dr. Monro, when he expressed his conviction that the symptoms of madness were assumed, at the same time signified that although such was his opinion, founded upon the few opportunities he had had of seeing the patient, yet that he was not absolutely determined in it, and that if a different opinion should prevail in the mind of the medical attendant of the prison, he should have no objection to receive the patient into the hospital of Bethlem. About that time a letter was received from the medical attendant of the prison, in which he stated, that, after four months of close and careful observation, he was induced to alter his former opinion, and to believe that Julia Newman really was not in herright mind. In consequence of that letter an immediate communication was made to Dr. Monro and to Mr. Anthony White, a surgeon, as their Lordships knew, of great eminence, which terminated in the transfer of the supposed lunatic from the Penitentiary to Bethlem. Under all the circumstances, and after all the representations that had been made to him upon the subject, the noble Lord, the Secretary for the Home Department, thought that the course most fitting to pursue would be to have this person placed in an establishment which was peculiarly intended for the treatment of the insane, in order that it might be clearly ascertained whether she were really mad or not. As to any suspicion of partiality or favour in the case, he (Lord Melbourne) could not see how such a feeling could have arisen in any one single person's mind. The prisoner had hitherto continued in Bethlem, because until yesterday the noble Lord, the Home Secretary, had received no report upon her case. Yesterday evening, however, a report was received from the authorities of that asylum, stating that Julia Newman was perfectly sane, and that they entertained no doubt that she had been perfectly sane throughout, and that her madness was a pretence and deception from beginning to end. Under these circumstances, he thought that no blame could attach to his noble Friend the Home Secretary, for the course he had taken. He wished now to say a few words with respect to the cases brought forward by the noble and learned Lord (Lord Lyndhurst) last evening. His noble Friend, the Secretary of State for the Home Department, considering the gravity and weight of those cases, and also the effect which they were likely to have upon the public mind, felt it necessary that a full report of them should be drawn up, and that that full report should be laid upon the table of the House. He did not exactly know the object of the complaint made by the noble and learned Lord last night, whether it were intended to apply to the punishment as being too severe, or to the conduct of the superintendents of the prison as being improper. These were the cases of three children convicted at Quarter Sessions in the country. Three female children, each of them, he believed, of the age of ten years—

Lord *Lyndhurst:* The ages of the children to whose cases I referred were seven, eight, and ten years.

Viscount *Melbourne:* I believe not. I believe that is not the real state of the case.

Lord *Lyndhurst:* I can only say, that their ages were so stated to me by a magistrate, who had seen the children, and investigated their case with great attention.

Viscount *Melbourne* believed it was not so. He did not know how the mistake in the noble and learned Lord's mind had arisen; but he believed that each of the children in question had attained the age of ten years. But upon a point of this kind a year more or less was not of any material importance. They were three very profligate children. One of the worst moral signs of the present day was the great number of crimes committed by children of a tender age. This evil was entirely new in the country, and appeared to have been the growth of the last thirty or forty years. He was assured, that at that distance of time the number of offences committed by children were rare and few, in comparison with those which were committed now. One of the principal causes of this increase of juvenile crime was most unquestionably the profligacy of the parents themselves, who made their children the instruments for executing their own evil designs. These three children were sent up from the country, with a representation from the magistrates by whom they were tried that they had been prosecuted with the view of removing them from the pernicious example [illegible] structive counsel of their parents. This was the object of the magistrates in imposing the amount of punishment (originally seven years' transportation, but commuted to three years' confinement in the Penitentiary), of which the noble and learned Lord (Lord Lyndhurst) complained. The object of the magistrates was to remove the children from the control of their parents, and to give the Government an opportunity of effecting a reformation in their character and conduct. He could conceive persons objecting to that course, although he did not know whether the noble and learned Lord was one of them, and he could conceive persons saying, "I do not think much of your reform; I would rather follow the old course;" he could conceive persons saying, "Take the circumstances of the person brought before you and the circumstances of the offence with which he is charged into consideration—pass sentence upon him accordingly, and do not trouble yourself about what becomes of him afterwards." He could conceive persons who entertained such notions; but they were different from the object—different from the policy—of the present Government. The object of the present Government was reformation;

and when these children were sent up by the magistrates, with a statement that they had been committed for the purpose of rescuing them from the evil influence of their parents, he should like to know what course his noble Friend, the Secretary for the Home Department, could take except that of sending them to the Penitentiary, which was a prison especially appointed for the purpose of working a reformation in offenders, and the only prison which the Government had to use for that purpose, until the new one, for which money had been voted by Parliament, and which was to be built in the Isle of Wight—a prison to be more especially devoted to the object of reformation than any yet established,—was completed. As to the manner in which the children had been treated in the Penitentiary, when he said last evening that the charge made by the noble and learned Lord reflected upon the persons who had the entire control and management of the establishment, he was told that he was entirely wrong, and that the reflection, if any reflection there were, must be taken as falling upon the Secretary for the Home Department. Seeing, however, that the discipline of the prison was directed by certain particular rules which had been laid down, not by the Secretary of State, but by a Committee of that House in 1835, if any undue severity had been practised he still thought that the blame must be attributed to the officer of the prison, and not to the Home Secretary. With respect to solitary confinement, he believed there was no such thing in the Penitentiary except as a punishment for prison offences. Separate confinement there certainly was, but solitary confinement, that was to say, complete exclusion without being visited, without being seen, without going out to public worship, as a general practice was, he believed, unknown in that establishment. In the report which he had received with respect to these children it was stated that they took exercise regularly twice a day, half an hour each time, in company with the other prisoners of their ward; that they attended school together twice a week; that in addition to that schooling they received instruction in classes twice a week, once from the chaplain, and once from the schoolmaster; that they attended divine service in the chapel on Sunday, and that they were regularly visited and instructed during the week by benevolent Christian ladies, who spent much time with them This, he thought, could hardly be regarded as a condition of very great hardship. The report besides contained a statement of the very great improvement which had taken place in the habits, morals, and learning, of the children, since they had become inmates of the prison. The noble and learned Lord also brought forward the cases of two young men who, he said, had been kept in solitary confinement for some time; he did not state how long. The names of these two persons were Welsh and Ray. They had been convicted of serious offences, and were sent to the Penitentiary, with the view, if possible, of effecting some reformation in their ill-conducted and irregular lives. It was stated in the paper with which he (Lord Melbourne) had been furnished, that Welsh and Ray were in the Penitentiary for one year, that they were confined in separate cells like other prisoners, but had never been placed in solitary confinement except for prison offences. It seemed that Welsh, whose conduct was the most irregular, had been reported thirty times, and subjected to solitary confinement fifteen times, the extent of that confinement amounting to twenty-two days in the whole, the longest period of confinement at any one time being three days. Ray, whose behaviour had not been so disorderly, had been confined only on a few occasions, and that for a very short time. This was a short and plain statement of the facts as they had actually occurred. Whether it would be satisfactory or not to the two noble and learned Lords he could not say, but was quite sure it would be satisfactory to the House in general.

Lord *Lyndhurst* said, that his attention had been first drawn to this subject by what had passed before the magistrates at their public meeting. He had seen the same statement in several of the public papers, and he had afterwards had personal communication with two of the magistrates, who had told him, that their representations were perfectly correct. One of the magistrates had himself seen the children, and he had told him distinctly, that the youngest was not more than seven and a half years old when she was first placed in the prison. Lord Hale had stated, and he believed it to be the law of the country, that no child could commit a felony under the age of seven.

If this child, then, had just turned that age, it seemed to him, that the punishment inflicted had been very severe; for to punish such a child with a s verity which would be considered extreme for persons of mature age was highly improper and inconsistent with the spirit of the law. But, further, it appeared, that the theft which had been committed by this child had been committed at the instigation of her mother, who had been indicted or receiving the goods which the child had stolen. The mother was tried and convicted of that offence, and was sentenced to six months' imprisonment, whilst the child was sentenced to transportation for seven years. Now, he had said, to impose that punishment on the child was, in the highest degree, improper, and upon that ground he had imputed some blame to the noble Lord, the Home Secretary; but it was said, that the noble Secretary was no party to that transaction. He fully admitted that; but the sentence must have been brought under his consideration, because there could be no confirmation of it without his consent; and the noble Lord, therefore, had been a party to the confirmation of a sentence of transportation for seven years on a child not much more than seven years old, for a theft which she had committed at the instigation of her mother. Now, had any contradiction been given to that part of the statement? The noble Viscount said, the children had not been committed to solitary confinement. He was aware of the distinction, and he had stated, that they had been punished by what was called separate confinement, which to persons of that age, and under the circumstances, amounted to solitary confinement. But let them mark the statement of the noble Viscount. During the whole of the night the child was secluded and during a great part of the day; still she was allowed to take exercise for a certain time, but during that time she was not permitted to communicate with any person—she was not allowed to go to church on Sunday, and on two occasions in the course of the week and for three hours—three hours only in the whole week—she was allowed to go to school. Was not that in reality solitary confinement? Was not the distinction which the noble Viscount had attempted to draw a minute distinction indeed, and one entitled to no weight or consideration? He had stated, and it had not been contradicted, that the effect upon the voice of the children was visible and palpable to all those who had any communication with them. That information had been conveyed to him by a magistrate who had seen them; but he did not choose to make the statement upon the authority even of that verbal communication, and accordingly he had written a letter to that magistrate, asking him what he meant by the effect on their voice; and that Gentleman stated, in his answer, that "the effect was to render their voices feeble, low, and inarticulate—to produce a kind of inward speaking, visible to and palpable to every one who heard them." He would beg leave to ask, then, if the statement he had made last night was not true in every particular? But what had been his object in making that statement? He considered, that the administration of justice in this particular case had been harsh and severe, and he considered, too, that the prison discipline had been harsh and severe; and he had therefore thought it expedient and proper, by way of example, to call their Lordships' attention to the particular facts of this case. The noble Viscount had stated, that the representation was incorrect with respect to Welsh, who had suffered, as he had been informed and had, stated considerably in health of body and mind. Now, upon that point he had received a letter from a magistrate which confirmed his statement; for in that letter the magistrate said, that a relation of the prisoner had told him, and was ready to maintain the truth of it upon his oath, that ever since his release from the penitentiary Welsh had been incapable of gaining a livelihood, or even doing any slight work in the yard of the workhouse. Now that statement might be incorrect. The statement of the noble Viscount might be correct, but it was at least sufficient to show, that the matter ought to be put into a course of investigation, and if the noble Viscount would propose a Committee to inquire into these cases he should be most happy and ready to attend every hour of its sitting. He was only desirous of ascertaining the truth. It was to be remembered, that the Penitentiary was directly under the superintendence of Government. It was visited and conducted by persons appointed by the Government, and everything, therefore, which took place in an establishment of that nature, so managed and directed, ought to be watched with peculiar vigilance, and it was for that reason partly, that he had felt it his duty to call the attention of the House to the subject of these cases, and more particularly to that species of punishment which had been alluded to, because he had been a party to those proceedings of their Lordships which had led them to state unanimously their opinion, that extension of solitary confinement—and he was unable to distinguish between that and separate confinement—beyond a very limited time was harsh, unnecessary, and severe. Their Lordships had expressed that opinion by adopting the amendments which he had proposed to the series of measures formerly under their consideration. He hoped, he believed, now, after the statements which he had made, that their Lordships would think, that he had been justified in bringing the question before that House; that he had not only been justified, but that it was his duty so to do. And he would appeal to the few noble Lords who were present, to say whether there was anything in his tone or manner of bringing it forward, which could justify any man in imputing to him, that he had introduced the subject from party or political motives or with any other view than to discharge what he felt to be his duty as having been connected with the law of the country, by pointing out to public attention a case which he considered to present an instance of the harsh administration of that law?

Lord *Brougham* entirely agreed with his noble and learned Friend that the distinction between separate and solitary confinement was most flimsy, shadowy, and unsubstantial. It was admitted on all hands that the matter could not rest here; and in their Lordships' House—the tribunal of justice of the last resort in this country—it would be highly proper to appoint a Committee to inquire into the whole of the cases. With regard to the case of the young child, the defence of the magistrates who sentenced the child was, that she was so young that every means ought to be employed to reclaim her; and, secondly, that it was absolutely essential to separate the parent and child. Now, as to the first point, the objection to solitary confinement was that it had no tendency to cure persons of their thievish propensities, or to deter others from the same offence, and that its effects were grievous to be considered. The separation of the parent and child might be effected in two ways—they might send the parent to Botany Bay, or they might send the child to Botany Bay. In this case there could be no doubt that the mother was the principal offender, but the child was sentenced to transportation, the mother to six months' imprisonment. He should have thought it was reasonable if the mother had received the more severe punishment; but perhaps that might be an awkward mode of looking at the question.

Viscount *Melbourne* said, that the magistrates had sentenced the child to seven years' transportation, in order to give the Government a more immediate control over her. His noble Friend, the Secretary for the Home Department, could only send her to the Penitentiary or to Botany Bay, or shorten the punishment which would be to do that which the magistrates had especially guarded against. He did not think that there was any sufficient case for a Committee; but if it should appear to be the opinion of their Lordships that it was desirable to appoint a Committee he could, of course, have no objection.

The Earl of *Radnor* thought, that a Committee should be appointed. His noble and learned Friend (Lord Brougham) had said that there was no difference between separate and solitary confinement when applied to children; of course in that case the difference could not be as great as in the case of adults, who felt the great punishment to consist in the absolute solitude—the total seclusion and total absence of employment—which characterised solitary confinement. He had been informed that the cells of the prisoners in the Penitentiary were adjacent, and that the prisoners actually conversed from one cell to another. He had reason to believe that there was no truth in the statement that those children could not speak articulately; for in fact their voices were quite as full as those of children of their age generally were. That was the representation which had been made to him and by a person who had seen the children. With respect to the boys, too, the governor said that the only difference he found in them was that they were rather more orderly, but that they were just as acute as when they entered the prison; and with respect to Welsh, he had declared that he was much more comfortable in the Penitentiary than in the workhouse. He (the Earl of Radnor) only wished that for the future noble Lords would take a lesson and not be so ready to come forward with statements, without having first instituted every possible inquiry as to the truth of those statements; for undoubtedly great mischief was frequently done by those hyperbolical statements. As, however, those introductory representations had been made, it was advisable that a Committee should be appointed, and then he believed that the result would be to show that the statements which had been made were wholly unfounded.

Lord *Lyndhurst* begged leave to ask the noble Lord what course he could have taken for the purpose of obtaining information in these cases, except that of applying to the magistrates before whom they had been investigated?

Lord *Brougham* wished to say one word in his own defence, and that of his noble and learned Friend, against the lecture which the noble Earl mounting *in cathedram* had delivered *ex cathedrâ* against noble Lords for calling attention to facts that were in every one's mouth, and were discussed in every circle of the law within this city. His noble and learned Friend had not chosen this matter as the subject of a party attack; it had been pressed upon his attention. Application had been made to him in private; but since the noble Earl (Radnor) had ceased putting questions to Ministers whenever they were in their places, since he had ceased making frequent motions, since his habits had so entirely changed, did they think he had forgotten that Parliament was never better occupied than in considering any grievance alleged by any of the subjects of this realm? Did the noble Earl hold, that because his noble and learned Friend had obtained those statements in private from a person whose name was not before the public, he was therefore guilty of a breach of duty, which ought to call down a lecture, in the terms of a formal reprimand, for rashly bringing forward unfounded accusations? Let his Lordship wait till he saw whether they were unfounded. The statements which had been made were only those which had remained uncontradicted for a length of time, and which had been proclaimed to the world at a meeting of magistrates. He considered that the statements were made on a very solid foundation; and if his noble and learned Friend had not brought them forward he should have thought him a most fastidious Member of Parliament.

The Earl of *Devon* said, that it could not be denied that his noble and learned Friend might by possibility have made a more accurate and satisfactory inquiry before he brought this matter forward. He the (Earl of Devon) had for many years been one of the Committee under whose direction the Penitentiary was placed, and he consequently knew that nothing could have occurred within that place upon which five or six gentlemen of great intelligence and respectability and of the highest honour would not have been perfectly ready and able to give him every information. In his opinion it would have been better for his noble and learned Friend to have applied to one of those gentlemen. It was said that the application had been made to those who knew best concerning the matter; but the magistrates had no jurisdiction or superintendence over this prison. It was not his business to defend the Secretary of State, but he confessed that it was not easy to see what other course the noble Lord could have taken with respect to these children. There was the greatest danger in confining them in an ordinary prison amongst other offenders, where they would be subject to every species of contamination; and they had accordingly been then placed where they could have the most accurate and careful superintendence. He had the opportunity of knowing from persons well informed on the subject, that there was no foundation for the charge as to the articulation of the children, and it was the opinion of several highly-respectable persons that the prisoners had much improved, and were in a happier and more healthy state than when they were sent to the Penitentiary.

Lord *Lyndhurst* begged only to ask his noble Friend what statement made by him, except that having reference to the articulation of the children, had been at all contradicted? If he would point out one single fact which had been contradicted then he (Lord Lyndhurst) would admit the weight of his observations.

Lord *Brougham* wished to say another word upon this second lecture, and he could not help observing that Chairmen of Quarter Sessions were very fond of giving them lectures. "Never touch a magistrate," said the late Mr. Wyndham, "because the instant you do so all the rest of the Justices set their backs up, and then follows a buz, buz, and bubble, bubble, and they are all upon you as if the most sacred penetralia of the Constitution had been entered." So it was with his noble and learned Friend. There was the Whig on that side of the House—and the rank Tory near him, and the Waverers not far off. Every Justice in the country was on the back of his noble and learned Friend—and all this for supposing that a Justice was a fallible animal—he begged pardon—a fallible being. But the noble Lord had said, why didn't they apply to five vastly respectable men. For that purpose it would have been as well if their names had been mentioned, but this *quinquevirum* of respectability was not applied to, and for the best reason, because they wished to know facts, of which those respectable men knew nothing, and all of which were in the breasts of other persons—such facts as the indictment, the trial, the conviction, upon which the magistrates were the proper, and, indeed, only authority.

The Earl of *Radnor* said, it might, perhaps, have been Quixotic in him to take up the case against the magistrates, but most undoubtedly he had not supported them.

The *Lord Chancellor* said, that he had no intention to enter into the facts of those cases, but he wished to make one or two observations on some general principles, which had been introduced into the discussion. It was an increasing evil that persons put forward children to commit thefts principally because they imagined that the child would escape with a slight punishment, and that was a practice which not only produced but perpetuated crime. Now it had been found that the habit of keeping these young offenders from other criminals was the only way of reclaiming them. It appeared to him that that was a most desirable object which might very properly in that manner be attained. It had been stated as to the young men that one of them especially had been rebellious in prison, and had been subjected to solitary confinement for a very short time. It could not be supposed that that punishment had affected their minds. In conclusion, he begged to move that a Committee be appointed to inquire into the cases of Matilda Seymour, Ann Gray, and Harriet Simpson, prisoners in the Penitentiary, Millbank, and of John Welch and William Ray, who have been lately confined in that prison.

Lord *Lyndhurst* suggested that Miss Newman's case ought to be included in the inquiry.

Suggestion agreed to, and Committee appointed.

HOUSE OF COMMONS,

Tuesday, February 27, 1838.

The Penitentiary Case.] Lord *John Russell* said, with regard, to the question which had been put yesterday on the subject of the persons who were confined in the Penitentiary, he thought it would be best to ask for a report from the Commissioners of that prison, with respect to the whole of the circumstances of the respective cases. He could not refer to this subject without returning his thanks to the hon. Gentleman who had put the question to him, for his having had the courtesy to give him notice of his intention to make the inquiry, and also for his having propounded the question in such a manner as to show that his object was only to obtain information, and not to criminate any parties. The practice of bringing forward questions of this description, casting imputations on Ministers of the Crown, taking care that it was without notice—

Viscount *Sandon* rose to order. I wish to know whether it is in order to allude to what has taken place in another House. I rise to ask whether it be in order, there being no question before the House, to refer to such matters, there being no person in this House who is connected with the subject, and to take this opportunity of making reflections on the course of conduct pursued in another House.

The *Speaker* said: The question is, whether the rule is, that there should be no reference, in debates in this House, to the particular proceedings in the other House. Undoubtedly, as a general rule, it is not expedient, nor is it within the rules of this House to make allusion to what takes place elsewhere.

Lord *John Russell:* for the purpose of bringing myself in order with respect to a motion being before the House, I may be permitted to move for a paper. I move, therefore, for a copy of a letter directed to the Commissioners of the Penitentiary with respect to these cases. In before addressing the House I did not state anything but what occurred with reference to the question. I said, that the hon. Gentleman who put that question—and I repeat it—had acted in conformity with what I think is due both with respect to the duties of public men regarding public affairs, and also in conformity with what is due as regards the courtesy usually shown by one private individual to another. The hon. Gentleman gave me due notice of what he meant to propose, and when he did so propose it, it was as a question, and as seeking for information, and without making reflections upon any one. And that I say was a reputable and discreet course of conduct, and a course different from that which has been adopted by others. I do hope that I am not to be placed in this situation—that I am not to be allowed in this House to state what I think is due to my own position and character as a Minister of the Crown, relating to the administration of justice—and that I am not to give a notice with regard to attacks made on me in any other place respecting that conduct. I do not believe, that any party, whether in opposition or whether in support of the Ministry, has ever pursued that course. I am sure it was not the course which was taken when I was in opposition to the Government with regard to the administration of justice, nor was it usual then to make a question relating to such a subject a matter on which to raise arguments on party politics. I do not mean to enter into the question which was put to me by the hon. Gentleman, further than to repeat that I will take care that there shall be a report of the circumstances relating to these cases laid on the table of this House, made by very respectable persons, who hold the situation of Commissioners of the Penitentiary and of inspectors of prisons, and I shall then be satisfied with the judgment of this House on the details of the case. The noble Lord concluded by moving for a copy of a letter written by direction of the Secretary of State to the Commissioners of the Penitentiary.

The paper was ordered.

IPSWICH COMMITTEE.] Mr. *Aglionby* wished to apply to the House that the ordinary rule with regard to the presentation of petitions might in his case be dispensed with, as he had a petition to which he desired to draw the attention of the House, which had peculiar reference to the question which had been adjourned for debate from last night. There was another ground, however, on which he appealed to the House, which was, that it was his intention on a future day to found a motion on the petition, and he therefore desired to obtain leave that it should be printed. It was from Mr. Rigby Wason, and referred to the Committee on the Ipswich election, and having read it through, he believed there was nothing in it which could be deemed to be an infringement of the orders of the House. It contained nothing which impugned the motives of the Committee, nor did it allude to the decisions of particular individuals. The prayer of it was, that, considering the decisions contrary to those which had formerly been given, and some of them contrary both to law and common sense, the House would inquire into the means by which they might be prevented from being hereafter acted upon as precedents; and also that the House would adopt some measure by which an improvement of the law as regarded election petitions might be insured. Under these circumstances, therefore, he desired that the petition should be printed, but he desired first to read its substance to the House. The hon. Member read the petition, which, having stated the formal facts with regard to the petition, went on to allege that there were certain decisions come to by the Committee which, without impugning the motives of the Committee, were not, in the petitioner's judgment, legal. In order to exhibit instances, he stated, that one voter was struck off because he was a parish constable, and another instance of a deputy returning-officer.

Petition to lie on the table.

Mr. Aglionby moved, that it should be printed.

Mr. *T. Gibson* rose and said, that he thought the House would be unable to do strict and impartial justice to both parties unless the evidence taken before the Committee was brought before the House He hoped, therefore, that some hon. Member who had sat on the Committee would move, that the evidence should be printed. With regard to the decision as to the special constables, it was a unanimous vote, and could not be considered a party decision, and it was a decision, in point of fact, upon the plain construction of an Act of Parliament.

Mr. *Jenkins* said, that as Chairman of the Committee, he had intended last night to move for the production of the minutes, but he had been prevented doing so by his understanding that the hon. Member for South Essex would have moved for them. He was most anxious that the minutes should be produced, in order that the conduct of the Committee might be vindicated; and he, therefore, moved as an amendment to the motion of the hon. Member opposite, that they should be laid on the table.

Sir *R. Heron* wished distinctly to state that he did not wish to impugn the decision come to on the occasion alluded to. He happened to have voted in the minority, but the question was exceedingly difficult to decide, and he was by no means satisfied that he gave the vote in the way in which it should be given. He was no lawyer, and he gave his decision conscientiously and to the best of his abilities, but he did not mean to assert that his judgment was perfectly right. There were opposite decisions of Committees on this point; he did not, therefore, impugn the proceedings that had taken place, but it showed how bad the practice was when there were such contradictory decisions.

Mr. *Williams Wynn* did not object to the motion under existing circumstances, but after the accusations brought against the decisions of the Ipswich Committee, the House could not deny the Members of it the opportunity of making public their proceedings.

Petition to be printed.

BREACH OF PRIVILEGE—MR. O'CONNELL.—ADJOURNED DEBATE.] On the Order of the Day for resuming the debate on the Breach of Privilege,

Mr. *Pendarves* felt so strongly for the honour and dignity of the House, that he ventured to put himself forward on the present occasion to endeavour, if possible, to avert from the House the evils which were likely to result from the debate last night, and the course it was then resolved to take. He never recollected in that House so great excitement as prevailed on that occasion, and he trusted that hon. Members now in cooler moments, would see the expediency of not pursuing the course which was likely to lead to protracted debates for several nights, more especially when they saw many hon. Members rise in their places, and avow the same sentiments which they had censured in the hon. and learned Member for Dublin. They might depend upon it that the country out of doors did not wish to see such a course pursued as was proposed in the matter, on which public opinion was almost universal throughout the kingdom. Many persons had expressed opinions similar to those of the hon. and learned Member for Dublin, and he was sure the general feeling of the public was, that the matter should not be proceeded further with. It was with this view, though little accustomed to speak in that House, that he had ventured to come forward to propose his amendment. It would be much better for the House to take up the subject of the amendment of the election law, instead of pursuing the course which was last night entered on. There was already before the House a Bill of his hon. Friend, the Member for Liskeard, for the amendment of the law of elections, and he really believed, that it would be more satisfactory to the country if the House at once proceeded with it, rather than occupy further time on the subject. He should, therefore, propose, as an amendment to the motion of the noble Lord (Lord Maidstone), that "the House, taking into consideration that several Members of that House had avowed their belief that the decisions of Election Committees, sworn well and truly to try the matters before them, were biassed by party interests and feelings, and considering that such decisions have, since the late elections, been impugned in the strongest terms by the public press, and considering also, that the House had ordered a Bill to be read a second time to regulate and alter the mode of trial of contested elections, is determined to proceed no further in this matter."

Amendment put.

Mr. *Cresswell* wished shortly to state his reasons for preferring the original motion to the amendment which had just been proposed. He was the more anxious to do that because the noble Lord, the Secretary of State for the Home Department, had thought it becoming in him last night to impute to hon. Members on that (the Opposition) side of the House, that in supporting the resolution submitted by the noble Member for North Northamptonshire, they were taking part in a very shabby motion or proceeding. In his humble judgment it did not very well become the noble Lord to charge Members on that side of the House with any shabbiness in the transaction. He must take the liberty on this subject to call the attention of the House to the conduct of the noble Lord with respect to this matter, since the noble Lord, the Member for North Northamptonshire, first gave notice of his motion in that House. On that occasion, the noble Secretary for the Home Department thought it becoming him to give a conditional notice, that if the House entertained the motion of the noble Lord, the Member for North Northamptonshire, that he (Lord John Russell) would bring forward a motion respecting a right rev. Prelate. Now, if the noble Lord, when he gave this conditional notice, did not intend to bring it forward provided the condition was fulfilled, but to offer it merely as a diversion to help a political ally, to say the least of it, it was not a very dignified course of proceeding. Or, if the noble Lord upon that condition being fulfilled, intended to prosecute his notice, and to call the attention of the House to some supposed offence in the conduct of the right rev. Prelate against the privileges of that House, at a time long gone by, and which was then well known to the noble Lord, and which he had not thought it to be his duty to bring forward at the time; if it was his intention to bring forward this subject, not in discharge of what he owed to his public duty, but in a spirit of retaliation, then the conduct of the noble Lord was something worse than undignified. The motion before the House was, that the censure of the House should be passed on the hon. and learned Member for Dublin by the Speaker. Some objections had been stated to this course, and among others by the hon. Gentleman who spoke last, who proposed that they should let the matter drop. He was not most anxious for the infliction of punishment, as he thought that the honour of the House had been vindicated by the course that had been taken. He entertained great respect for the votes of that House; and, if he wished for a testimony to his character, where could he find one more satisfactory to himself than from among those with whom he then sat and acted? But, according to all Parliamentary usage, they were bound to proceed with the matter, in the way proposed by his noble Friend. The House last night contained upwards of five hundred Members, and they came to a determination, by a solemn vote, that the hon. and learned Member for Dublin, by giving utterance to the language complained of, had cast a false and scandalous imputation on the honour and conduct of Members of that House. All the Ministerial power and authority was exerted last night to get Members together who would vote for proceeding with the order of the day; but, notwithstanding all that could be done, the motion of the noble Lord was carried by a majority, and immediately the motion was carried that the expressions used by the hon. and learned Member involved a false and scandalous imputation on the honour and conduct of the Members of the House, it was followed up by the motion, which was also carried, that Mr. O'Connell, having avowed that he had used the said expressions, had been guilty of a breach of the privileges of the House, and he thought that they were bound to adopt the subsequent motion, that the hon. and learned Member be reprimanded in his place by the Speaker. It was said that the proposed punishment was trifling, and they had been taunted by hon. Members opposite because they did not go much farther with their punishment; but he would ask, if hon. Gentlemen were dissatisfied, why they did not propose something further themselves? It was said that their honour was not vindicated by the course taken, but he thought that the verdict of the House was a sufficient vindication. What was the case in the proceedings in a court of justice? In a case of libel, or other matter of this kind, where the verdict of a jury was in favour of a party, his honour was considered to be vindicated. With such an accusation against those who were the jury that was to try them, they came to the House, and the noble Lord and his colleagues said, that they did not believe that the Opposition were guilty of what was imputed to them, but for reasons which affected them, they did not think it was necessary that the Members on that side of the House should be vindicated. It was proposed that they should take as the measure of punishment to be inflicted, the quantity and nature which was consistent with the former usages of Parliament, and if any

Member on the Ministerial side of the House thought that a greater degree of punishment should be inflicted he might move for it. But what was the nature of the punishment to be inflicted? Was it of so light or trivial a nature as hon. Members stated? All punishment was light or heavy according to the impression it made upon the minds of those subjected to it. He had had some experience in the criminal courts, and he had seen some persons who had been sentenced to slight punishment who appeared to feel most intensely the situation in which they were placed, while others had been sentenced to capital punishment, and appeared almost indifferent about the matter. He had seen some completely overpowered by the sentence of one month's imprisonment, while others regarded six months' imprisonment, accompanied with hard labour on the tread mill, as a matter of perfect indifference. He knew not what the feelings of others might be, but he should have felt his conduct and character deeply involved, if he considered that such resolutions as those which he had described had been carried against himself, and that in consequence of having been found guilty of a breach of the high privileges of that House, he had been ordered to be reprimanded in his place, aggravated as this punishment would be by such observations as the Speaker might deem becoming his high office in passing this censure. He did not know what were the feelings of the hon. and learned Member for Dublin on this subject, but he knew that he should have ever reflected with shame and sorrow at being subject to the rebuke of that House. He trusted that in entertaining such an opinion he was actuated by the feelings of a gentleman and a man of honour; and if he thought those feelings would be lessened by remaining among the Members of that House he would take the earliest opportunity of retiring from public life.

Mr. *Williams Wynn* said, that the course proposed to be pursued was warranted by all the precedents of the best times, and was sanctioned by the opinions of Mr. Pitt and Mr. Fox, Mr. Burke, Mr. Wyndham, and Lord Grey, namely, that in cases of breach of privilege like the present the Members should be reprimanded in their places. It was now, however, for the first time proposed that after the House had voted a person guilty of a high misdemeanour they should pass the matter by as undeserving of notice; and for the adoption of this course three reasons were assigned in the amendment proposed by the hon. Member for Cornwall. The first was, that several Members of that House had avowed their belief that the decisions of Election Committees, sworn well and truly to try the matters before them, were biassed by party feelings and attachments. The charge against the hon. Member was, that he imputed foul perjury to Members on that side the House. Was this accusation of such a trivial nature, or were the words in which it was couched, reasons for passing it without notice. This was not a party vote. If it had been a party proceeding it would not have received the sanction of a majority of that House, for the motion was supported by the honourable feelings which actuated many of the supporters of her Majesty's Ministers. These hon. Gentlemen, however, last night considered that they could not support the course that the Government had pursued in this matter without submitting to disgrace. The orders and rules of the House had been set at defiance in that case, and the hon. and learned Member had been declared guilty of a breach of the privileges of that House. The Minister deemed it to be incumbent on him to support the privileges and orders of that House, yet last night the noble Lord and his colleagues gave their votes in support of those who had charged Members on both sides of the House with perjury; nor could he admit that such a charge, which the House had already voted to be false and scandalous, and a breach of its privilege, was to be passed over, because the Member who had been guilty of this offence had sufficient power over certain other Members to induce them to repeat and participate in his offence. The next ground urged for not proceeding with this case was, that such decisions since the late elections had been impugned in the strongest terms by the public daily press. He would ask, was the idea to be borne that the House should frame its proceedings from the orders of the daily newspapers? No such reason had ever before been alleged in the journals or votes of that House, and he trusted that it never would be allowed. No Member in that House had ever, he trusted, been influenced in his vote by such an allegation. The third reason assigned for not proceeding was, that the House had ordered a bill to be read a second time for the amendment of the law relating to the trial of controverted elections. But what had the second reading of a measure to do with the present proceeding? That Bill, indeed, proposed to reduce the number of Members on each Committee from eleven to five—but he who would perjure himself as one of eleven, would equally do so as one of five, and if that bill passed into a law, the power of punishment would equally be required for those who imputed perjury to the tribunal under the new bill as it was under the existing law. He was satisfied the House could come to no other course consistent with what it had already done, or with its honour, but that of sanctioning the motion of his noble Friend.

Mr. *Goring* was understood to say, that although he thought that the words of the hon. and learned Member for Dublin were unjust, he was satisfied that the House was losing its character and dignity by pursuing the course which it had adopted towards the hon. and learned Member for Dublin.

Viscount *Castlereagh* was very anxious to set himself right before the House as to his vote of last night, in reference to the charge which had been preferred by hon. Members on the opposite side of the House, against several hon. Members at his (Lord Castlereagh's) side, of having imputed something very like perjury to the Roman Catholic Members of that House. For himself, he could only say this, that whatever sentiments might be entertained by others, he was quite incapable of attributing to any Gentleman in that House, let his politics be what they might, anything which he should feel himself constrained to decline to do, consistently with his own sense of honour. He spoke as an Irishman; and as no Irish Member at his side of the House had risen during the progress of this debate, he availed himself of this opportunity to declare his conviction, with reference to his Roman Catholic fellow countrymen, that their honour, integrity, and conscientious feelings were equal in intensity to those which he himself entertained. If he had not felt thus, he would not have been justified in his vote of last night, nor should he have felt himself prepared to have acted as a judge upon himself. Whether the imputation had been cast on the other side of the House or not, was no justification of the language that had been used, and he felt himself personally, though he had not served upon any Committee, yet, as liable to serve, he felt himself aggrieved by it. Many hon. Members had certainly softened down the offensive expressions which it contained; he could only wish that the hon. and learned Member for Dublin had done the same. He did not think that that hon. Member would have lost anything of the high position in which he stood, while he would have saved the House a good deal of disagreeable discussion had he done so. As an individual whose honour was dear to him, he could not, in justice to his feelings, do otherwise than vote for a continuance of the proceeding commenced by the noble Lord, the Member for Northamptonshire. Indeed, to pursue any other course would, in his opinion, be only to stultify the decision they had already come to. Her Majesty's Government and hon. Gentlemen opposite, for he should put them together, had already made two attempts to get rid of the question by a by-way proceeding, but he did not think that either the well-prepared course of the noble Lord last night, nor the ill-digested amendment proposed that evening, were likely to get the House out of the dilemma. If the House were true to itself no other course could now be taken than for the right hon. Gentleman in the chair to administer that rebuke to the hon. and learned Member which followed as a necessary result of the vote of last night.

Sir *Frederick Pollock* felt himself compelled to ask the noble Lord, the Secretary for the Home Department, why he had thought fit last night to impeach the conduct of Members at that (the Opposition) side of the House, as "shabby," while to-night he sat silent, apparently prepared to vote that they should pass by the question altogether. Now, if the one proceeding was shabby, the other was ten times more so. He did not know to what extent the noble Lord might be a judge of what constituted a shabby proceeding, but he protested against the noble Lord's being considered a judge of what was shabby on that, the Opposition side of the House. He was really surprised at the tone adopted by the noble Lord when he taunted the noble Lord, the Member for Northamptonshire, with declining to follow up the vote of that House—a vote in which the noble Lord felt himself bound to concur, by some stronger measure than that which had been proposed; he was surprised, he said, at the tone assumed by the noble Lord on that occasion, when he considered that the noble Lord was now prepared to pass by the proceeding altogether. Was that a course respectful to the House? Was it in accordance with the dignity which should characterise their proceedings, or was it respectful to the country, who looked at their proceedings with so much anxiety? He begged to assure the House that he had presented himself with the greatest reluctance, and would not have done so had any other Member risen to address it. But he did not think it would be decorous towards the country to proceed at once to vote upon this question without further discussion. He entirely agreed with the hon. Member for Liverpool, that if they should do no more than what they had already done, they would still have done a great deal. They would have vindicated the character of that House from an imputation sufficient to exclude any man upon whom it might rest, from sitting in the society of gentlemen. Having done that, he cared very little about the pains, penalties, or punishments, that might or could be inflicted upon the hon. and learned Member for Dublin. It was not by chains or imprisonment, or any apparatus of punishment, that the honour and dignity of that House was to be upheld, but by public opinion. To what extent was this liberty of expression to go? He for one considered that the conduct of certain hon. Gentlemen last night, instead of showing that the supporters of the original motion were wrong in the course they had adopted, had, in his humble opinion, only proved that they had begun too late. Where was the matter to terminate if that House were indifferent to the grave charge of foul perjury made against a large portion of its Members? If they did not check it, he might say that the usefulness of that House as a branch of the constitution was at an end. As stated by the hon. Member for Liverpool, it would become an assembly in which no Gentleman would sit. What, then, was the course which they ought to adopt? The noble Lord opposite had suggested that the highest penalties within the power of the House should be inflicted. But there were very grave reasons why the House ought not to pursue the course to which the noble Lord had invited them. By it they would exhibit the hon. Member for Dublin as a martyr in some shape or other, God knew how, whether in defence of the laws and decencies of society, or not. He thought, therefore, that the House would best consult its own dignity, and indeed its magnanimity, by adopting the mildest possible course in reference to that hon. and learned Member. Besides, public opinion had altered very much upon this subject within the last twenty or thirty years. The same opinion did not now exist respecting the efficacy of dungeons, chains, and prisons, as formerly; and if the hon. and learned Member for Dublin should not feel the reprimand of that House—nay, if he did not already feel their vote of last night, he did not think that the force of imprisonment could make him feel it. It was not the punishment of the individual, but the asserting of the dignity of the House, that they aimed at. One word respecting himself. He had voted last night that the charge of perjury was false and scandalous, not because he was indifferent to the imperfections of the present law, but because he conceived it to be the duty of that House, as long as that law was in operation, to protect those who were called upon to take part in its operation from charges from which every tribunal in the country was protected. Those who respected the character of that House would, therefore, he was sure, concur in the proposition consequent upon the decision that a breach of privilege had been committed.

Mr. *Harvey* could not exactly understand the hon. and learned Gentleman, because he had asked them, on the one hand, whether they were prepared to treat as a nullity their vote of last night, while in the earlier part of his speech he seemed to be exceedingly anxious, as indeed was also the hon. Member for Liverpool, to impress upon the House the serious character of the sentence which had been already pronounced. Up to the present time he was ready to concede to hon. Gentlemen opposite that they had not been animated by the narrow views of party in throwing off the blow which they considered to have been aimed at their honour. The resolution which had been proposed in so amiable a manner by the noble Lord opposite had effected that; but it was one thing, allow him to tell the House, to vindicate its honour, and another to avenge it. Hon. Gentlemen ought, in his opinion, to be satisfied with the vote to which the House had come last night. They stood well with their own feelings, and he could not help saying, what must be still more acceptable to them, with the country. But if they pressed the matter further, and imparted a personal character to what at the present moment assumed the higher pretension of principle, they would invite the consideration in the public mind whether they had not descended from the noble path of vindicating their honour thus assailed, to attack a powerful individual, whose political influence they felt and feared. It appeared to him that if the hon. and learned Member for Dublin did not feel the resolution already come to by the House, he would be perfectly indifferent to the censure which hon. Gentlemen opposite wished to pass upon him. If they persisted, that censure would bear the character of a political penalty; they would thereby injure the efficacy of their resolution, and make the public at large regard the affair more as a triumph of partisanship than a vindication of insulted honour.

Colonel *Conolly* would not vote for the amendment proposed, because, in doing so, he would be only stultifying the vote he had already given in favour of the resolution. Neither was he prepared to pass to the previous question, as proposed by one noble Lord, or to inflict the deepest punishment in their power upon the individual from whom the imputation emanated, as proposed by another noble Lord; because, by none of these courses did he conceive they would vindicate the honour or authority of that House.

Viscount *Maidstone* observed, that when the House came to a vote last night, he conceived that the question had been decided upon, and that some punishment would follow as a matter of course. He appealed to the Speaker, if ever there was an occasion like this, upon which the House had come to a similar decision, when that decision had not been followed up by some other proceeding? Surely it was not to go forth to the country that on Monday they said "Yes," and on Tuesday "No." Why not proceed in the customary way? Where was the use of holding the scales of justice in one hand, and the sword in the other? Of the courses proposed he was undoubtedly in favour of the most lenient, but with their vote of yesterday recorded, a vote come to after due and deliberate consideration, he did not think the House would be acting consistently or in conformity with former usage if they now adopted the amendment proposed.

The House divided on the motion that the original question remain:—Ayes 249; Noes 225: Majority 24.

List of the Ayes.

Acland, T. D.
A'Court, Captain
Adare, Visct.
Alexander, Visct.
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. W. B.
Barneby, J.
Barnes, Sir E.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Cantalupe, Viscount
Castlereagh, Viscount
Chandos, Marq. of
Chaplin, Colonel
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Visct.
Colquhoun, J. C.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. S.
Farrand, R.
Fielden, W.
Fitzroy, hon. H.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. G.

Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, G. W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl of
Johnston, H.
Jones, W.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lewis, W.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Maidstone, Visct.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Moneypenny, T. G.

Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Norreys, Lord
Northland, Viscount
O'Neil, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J.
Peel, rt. hon. Sir R.
Peel, J.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, rt. hon. J.
Polhill, F.
Pollock, Sir F.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Thompson, Ald.
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Wall, C. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.

Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Baring, H. B.
Fremantle, Sir T.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Baines, E.
Ball, N.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Belfast, Earl of
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Busfield, W.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J. R.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chetwynd, Major
Clements, Viscount
Codrington, Admiral
Collier, J.
Collins, W.
Colquhoun, Sir J.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Currie, R.
Curry, W.
Dalmeny, Lord
Davis, Colonel
Dennistoun, J.
D'Eyncourt, rt. hon. C.
Divett, E.
Duckworth, S.
Duff, J.

Duncan, Viscount
Dundas, hon. J. C.
Dundas, Captain D.
Easthope, J.
Ebrington, Viscount
Ellice, Captain A.
Ellice, rt. hon. E.
Ellice, E.
Erle, W.
Etwall, R.
Evans, G.
Evans, W.
Fazakerley, J. N.
Ferguson, R.
Fergusson, rt. hon. C.
Finch, F.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Fitzsimon, N.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Hall, B.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, F. J.
Howick, Viscount
Hume, J.
Hutton, R.
James, W.
Jephson, C. D. O.
Johnson, General
Labouchere, rt. hon. H.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Lennox, Lord G.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Macleod, R.

Macnamara, Major
Mactaggart, J.
Maher, J.
Mahony, P.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Poulter, J. S.
Power, J.
Price, Sir R.
Prime, G.
Redington, T. N.
Rice, rt. hon. T. S.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Col.
Sanford, E. A.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Smith, hon. R.
Somers, J.
Somerville, Sir W. M.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Strangways, hon. J.
Strutt, E.
Stuart, Lord J.
Stuart, V.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thomson, rt. hon. C. P.
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, right hon. Sir R. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

On the main question being again put,

Mr. *Grattan* moved, by way of amendment, that words to the following effect be added to the motion:—"Notwithstanding that the Members for the county and city of Cork, for Sligo, for Liskeard, and for Falkirk, have avowed in their places in this House sentiments similar to those expressed by the Member for the city of Dublin, and though this House has permitted to pass uncensured and even unnoticed a published charge of the Bishop of Exeter accusing the Roman Catholic Members of this House of a disregard of their oaths, and of manifesting, in the exercise of their rights as Members of Parliament, treachery, aggravated by perjury." He called on the noble Lord, the Member for Downshire, to adopt this amendment, because that noble Lord had said, that they should deal out equal justice to all parties. The hon. Member for Montgomeryshire had asked, how would they stand in the eyes of the public if they did not proceed with the motion? and he taunted the noble Lord (Lord John Russell) last night with not having come forward. What position, let him ask, would they place the hon. and learned Member for Dublin in by their present proceeding? They were for passing a censure on the hon. and learned Member; but they were unwilling to censure others who had avowed the same sentiments—he meant the hon. Members for the county and city of Cork, for the borough of Sligo, for the borough of Liskeard, and for Falkirk; but could they punish them or the hon. and learned Member for Dublin without taking into consideration the conduct of the Bishop of Exeter; they were ready to do justice, they said; but how would they do it? By punishing one, and not the others. If it were stated, that the charge of the Bishop of Exeter was long since gone by, he would reply, that the author of that charge was now in the eye of the law a libeller; for it was to be bought at this moment in the booksellers' shops in London. One word as to the prudence of these proceedings. He admitted the propriety of what was said by the noble Lord (Lord John Russell) that the words which had been used were not to be justified; he said last night, that he did not justify them. He thought, that that of which there was reason to complain might have been complained of in a different manner; but he would say, that great provocation had been given—that a deep injury had been inflicted; and, the country feeling this, for the House to proceed on the matter would be to render itself perfectly ridiculous. Let them bear in mind what had taken place in the case of Sir Francis Burdett. The motion having been made for the hon. Member for Dublin to attend, suppose he sent for answer, that he denied the right of the House to interfere. What would the noble Lord do then? Suppose the Speaker issued his warrant, and on the Sergeant-at-arms going to execute it the people took the part of the hon. and learned Member. [" *Oh, oh!*"] Did not the people take a part with the hon. Baronet (Sir Francis Burdett) in 1812? The hon. Baronet encountered their power with defiance; he said he looked on their warrant as so much waste paper; he did as Cromwell did — treated them with contempt. Though he would not use the words of the hon. and learned Member for Dublin, he would say, that he did think the proceedings of these Committees were shameful and disgraceful. He again asked the House would they run the chance of a repetition of the ridiculous scenes which were enacted in 1812? So far from the dignity of the House having been vindicated by any such proceedings, they would render themselves the laughing-stock of the entire community. What was the origin of this business? The whole of that of which they had to complain originated in the connexion of the hon. Gentleman opposite with the Spottiswoode party. Look at the provocation. In what manner had the organs of that party spoken of the Roman Catholic clergy? They had called them "unprincipled, barbarous rebels," "Popish ruffians," "surpliced ruffians," "atrocious hypocrites," "wretched imposters," "beings who were a disgrace to the name of Christianity." What would have been said if he had called the Bishop of Exeter "a surpliced ruffian." Such were the words that were used to describe those who were the supporters of the hon. Member for Dublin. Such were the words used by those who were parties to the getting up of petitions for the express purpose of defeating the elections of the people of Ireland. The feelings of the hon. Member for Dublin were naturally roused and excited by such proceedings. Without intending to defend the latter words used by the hon. and learned Gentleman in his speech, he would say, that he was perfectly right in what he said in the first portion of that speech. He declared, that "the Irish people wanted a measure that would protect them from being exposed to the machinations of the Spottiswoode gang." Was that true, or was it not? Did not that party attempt to run down every Member who had not the means of incurring the great expense necessary to defend his seat? Was there not a petition against the seat of the hon. Member for Westmeath, though he had a majority of 500? He hoped that that petition would be found to be frivolous and vexatious.

The amendment having been put,

Mr. *E. B. Roche*, rose to explain his reasons for having last night declared that he was a participator in the opinions expressed by the hon. and learned Member. He complained of the proceedings of the election committees, as exhibiting a perversion of public principle to party spirit. The division of last night was more of a party division than any other that had taken place this Session. The fact was, the motion of last night was directed against an individual whom the Gentlemen opposite dreaded. He was persuaded it was not the result of that squeamish sensitiveness, so much talked of, but of personal enmity towards the hon. and learned Gentleman. He adopted the expressions used by the hon. and learned Member, because he believed them to be substantially correct. It was said that the hon. and learned Gentleman, having laid down a principle of conduct for himself which rendered him irresponsible for any strong language that he used, ought to be particularly careful that he did not give personal offence; but he, in adopting the language of the hon. and learned Member, was ready to give anybody who objected to those expressions any satisfaction that they might require.

The *Speaker*: The House is placed in an entirely new situation by this discussion. The House has come to certain resolutions expressing its censure and displeasure with regard to certain expressions used elsewhere, and avowed in this place by an hon. Member. The consequence of that decision has been, that various other Members have since risen for the purpose of repeating, reiterating, and avowing similar expressions. The object of that course, no doubt, was to court for themselves the censure which had been pronounced upon another. It was accompanied also with this irregularity, and by what I must call this great novelty. Hitherto no expression has been noticed, and made the foundation of any proceeding against an hon. Member, unless the words were taken down at the time; and what had usually happened? According to the former usage and practice of Parliament, whenever the words of an hon. Member were taken down, it was on the motion of some other hon. Member who viewed them in a sense opposite to that of the hon. Member who used them. Now, the House has seen the very reverse of that done. For the motion to take the words down was made by an individual who agreed in the main part, but not wholly with the expressions used. Now, if the House be prepared to sanction such a practice, it is impossible to say to what extent it may go. Every hon. Member of the same opinions may rise in succession and voluntarily commit that which the House has pronounced to be a grave and serious offence. I put that very point to the consideration of the House last night. I pointedly called the attention of hon. Gentlemen to the expressions which they were about to use, as far as I could judge what those expressions would be by those which they had previously used: but it must be obvious to all who hear me, that if an hon. Member be determined to persevere in using the expressions against which he had been warned, I have no power to prevent him; it would remain with the House to deal with that Member as it might think proper.

Mr. *E. B. Roche* said, that no man felt greater respect than he did for the opinion of the Chair; but this was a subject on which his constituents and himself felt so strongly, that though he was anxious to bow to the Chair on every other occasion, he could not consent on this to yield up his own deliberate judgment. The Speaker had informed him that punishment might follow his perseverance in his present course, and the knowledge of that circumstance impelled him the more strongly to declare his dissent from the resolution to which the House had come last night, and his concurrence with the views expressed by the hon. and learned Member for Dublin. He hoped that it would not be considered contrary to the rules of the House if he then proceeded to read from a written paper his adoption of the expressions used by Mr. O'Connell. [" *Order.*"]

Lord *John Russell*, in speaking of order, observed that for his own part he fully agreed in the observations which had fallen from the Chair. He had been in hopes that the hon. Member for the county of Cork, having heard what had fallen from the Chair, would have been content to abide by that authority which was due to the station and opinion of the Speaker. He regretted that the hon. Member had not taken that course, because he thought, that after the decision to which the House had recently come, it was a want of respect to the whole House to continue the conduct which the hon. Member had declared himself prepared to adopt, and to read a written statement containing sentiments and language similar to, or rather identical with, those used by the hon. and learned Member for Dublin. He was aware that, if the hon. Gentleman persisted in the course on which he had entered, the mode in which the House would deal with it might be very different. He hoped, however, that the hon. Member, from his own sense of what was due to the House, would not persist in his present course. He confessed, that with his views he thought that it was natural that hon. Gentlemen should not be satisfied with the vote of the small majority of last night that the language used by the hon. and learned Member for Dublin was false and scandalous. But every thing had been done that was required for their own satisfaction. Any further proceedings would be an attempt to embarrass the proceedings of the House, and he therefore did hope, that upon consideration, the hon. Member would not think it necessary to carry his opposition further.

Mr. *E. B. Roche:* As the objection raised by the House in general, and by the noble Lord, appears to be to my reading these words from a paper, I think it is sufficiently reconcileable to my views to state them. [" *Order.*'] I am not aware I am out of order; I must say, that I fully concur in and adopt the sentiments and expressions of the hon. Member for Dublin. [" *Order;*" " *Chair;*"] that I believe them to be the sentiments of my constituents; that I stand here to represent those constituents; and when I cease to represent them, either from fear or any other motive, I ought no longer to retain my seat.

Mr. *Hume* rose to request that the hon. Members words might be taken down. He apprehended it was perfectly consistent with the rules of the House that any hon. Member might request words which he thought objectionable and improper, to be taken down. [" *Oh!*"] The hon. Gentleman would correct him if he had taken down his words wrong—" I most fully concur in and adopt the sentiments and expressions of the hon. Member for Dublin, as expressed at the Crown and Anchor Tavern, and admitted in his place in this House."

Mr. *C. Buller* hoped the House would observe the malice of the hon. Member for Kilkenny.

Mr. *Hume* said, hon. Members might think it a very unusual course, that concurring as he did with the hon. Member for Cork, he should have taken an objection to the words he had employed. Now, there were two modes of dealing with a matter. One was to attempt to reason on it; the other was when reason failed, to have recourse to ridicule. He was desirous of throwing ridicule on the conduct of the other side; he was now trying to do that; he wanted to show, as he said last night, that it was impossible to say where hon. Members wished that such proceedings should stop. The hon. Member for Cork and several other Gentlemen had made the same declaration as the hon. and learned Member for Dublin, and he was ready to do the same. If the resolutions agreed to by the House were adopted with the view of maintaining their honour and dignity, he would ask was it consistent with their dignity to punish one man for having used certain expressions, and abstaining from punishing others who declared their perfect concurrence in them? He did not think he had abused that freedom of speech which was the right of every Member of the House, and he begged to request that the words might be read by the clerk, in order that he might take a further proceeding regarding them.

Mr. *C. Buller* said, it had become difficult now to know whether the subject before the House was the language taken down as having been used by the hon. Member for the county of Cork, or the amendment of the hon. Member for Meath. His hon. Friend, the Member for Kilkenny, had explained to the House that his object was to throw ridicule on the decision of last night. He must say, as far as that pleasantry might be carried on legitimately, he entirely concurred in the object which his hon. Friend had in view in that exercise of his power; but that pleasantry, his hon. Friend should recollect, might be carried on too long, and he thought this kind of joke had been carried on quite long enough. But he begged Gentlemen opposite to recollect that this matter was not considered a joke by many Members of that House. He begged them seriously to look at the probable consequences of the motion they had unfortunately, and h would say unadvisedly, carried. Did they suppose they could with impunity indulge personal animosity against a distinguished Member of that House, and quench those feelings of nationality which were more or less strong in all men? Did they suppose that those feelings which the hon. Member for Cork had expressed—and he believed every hon. Gentleman opposite would agree with him here — with the general ardour that became his youth, if with the indiscretion natural to youth—would not be shared by the whole of that population which the hon. and learned Member for Dublin represented? He was not justifying the words of that hon. and learned Member. Agreeing with him in much of the censure he had passed on Election Committees, he did not agee with him in the feelings he imputed to the Members of those bodies, nor did he adopt the language, the unjustly offensive language, of which the hon. and learned Member had made use. His name had been mixed up in this foolish matter; the hon. Member for Dublin had alluded to words he had uttered, and had said, that they formed a justification of those which he himself had spoken. As far as those words showed that a Member of the House who had taken much pains to understand this subject could come forward, and under no influence of party feeling or momentary heat endeavour to portray in the strongest terms the opinion which he believed the public entertained on this question, so far the hon. and learned Member might rely on his words; but it was not his wish to use words offensive to any Gentleman; it was not his habit to couch a censure in language which he thought would wound the feelings and provoke the indignation of a man of honour, or to exceed the just limits of calm and deliberate discussion. He wished to call the attention of the House to the consequences of the present constitution of Election Committees. He did not pretend to decide on the motives which governed the decision of those bodies; he would say that he thought the Members of them were generally men of the highest education, intelligence, and honour, but the people asked, what must be the character of the system that set such men loose from the obligations imposed on them both by their honour and their oaths? He did not say, that such was his opinion, but he asked if there was one Gentleman on the other side who would say, that he did not believe that such a discreditable opinion prevailed in the minds of a great portion of the people? He did not wish to have it supposed he had at all taken up the opinion which he believed the public very unjustly entertained; but as it did obtain in the public mind, would they act wisely, would they act justly, to visit with severe punishment an hon. Member who had merely delivered his opinion in terms of more than ordinary coarseness? He had alluded last night to the words of the right hon. and learned Member for Ripon (Sir E. Sugden); he had said, that the imputation which they conveyed, though not the language itself, was as offensive as that implied in the words of the hon. Member for Dublin. He now deliberately declared that he would far rather be stigmatised in terms the very coarseness of which showed the passion that dictated them, than have gross injustice and corruption imputed to him in the calm and judicial language of the right hon. Gentleman. He appealed to that right hon. and learned Member, who had exercised in another country the highest judicial functions, and exercised them in such a manner that the incorruptibility and high integrity of his judicial conduct was the one point on which parties in that distracted country agreed—he would ask that right hon. Member how he would have felt if any man could have said of him that his decisions were influenced by a bias towards his political friends? He conceived that no violent language—no language imputing the foulest perjury, the grossest corruption, in the coarsest terms, could be so painful to the feelings of a high-minded judge as the opinion passed by the right hon. Gentleman last night. In delivering that opinion the right hon. Gentleman had spoken the sentiments as well of his own as of the other side. Was it just, then, was it politic, to endeavour to fix the opprobrium of a reprimand on an individual who only conveyed, in coarse language, the same censure as the right hon. Gentleman himself? Nothing yet advanced in the course of the debate, as far as he could judge, had shaken the plain common-sense views and sound policy advocated last night by the noble Lord below him (Lord J. Russell). Hon. Gentlemen opposite, exulting in the expectation of a majority, had refused to listen to the noble Lord; but he believed that they would regret their majority now that they had obtained it. Grant that the language used was coarse, yet the imputation cast was just. Grant that they could make an example of the hon. Member for Dublin, and that it was right to do so, was there no one on the opposite side open to the same charge, and deserving the same punishment? It could not be supposed that when the zeal of Gentlemen opposite so far outweighed their discretion, Gentlemen on his side would not try to retaliate. Were they to pass by the imputations of the press if they made up their minds to resent charges of this kind? Some of those imputations were so gross that he hardly liked to mention them, but he would say, that if any persons in that House were especially bound to resentment, it was the right hon. Gentleman in the Chair and those who were intrusted with authority by the House. If they were to entertain charges made outside the House, what were they to do with regard to charges insinuated in such a way as no one could misunderstand, respecting the mode in which ballots were carried on? "I believe, Sir," said the hon. Member, addressing the Speaker, "that, safe in the dignity of your high position, safe in the estimation which I know every fair and honest man, of whatever party, willingly accords to you, you may despise those contemptible slanders; but if these matters are made the topics of after-dinner speeches, the House will not long be safe from having them intruded into our discussions." Surely those on the opposite side would pause before they set this example; they had shrunk when they heard the conduct of their episcopal champion arraigned. It was said, that the Bishop's charge could not come under their cognizance, because it alluded to Members of the last Parliament. But was it not still a breach of decorum and gentlemanly conduct? Was it forgotten that the charge was spoken to a body of clergy, and in a church? Hon. Gentlemen opposite, when they considered the multitude of attacks levelled against those occupying that (the Ministerial) side, and passed over without notice, might with advantage imitate their moderation. He would venture to suggest this course to them, and he would remind them that it would be attended with this benefit—that it would save them from much trouble and inconvenience, which he had incurred for two nights past on this very foolish business, in being obliged to go without his dinner. He must request the hon. Gentleman who had moved the amendment to withdraw his name from the amendment, in which he did not choose to have it mixed up. The hon. Gentleman had forgotten, that it was most annoying and vexatious to have one's name conjoined with that of the Bishop of Exeter.

Mr. *Gillon* did not think the course pursued by hon. Gentlemen opposite at all creditable to them. The question of privilege was one of the most dangerous description. He only spoke the sentiments of his constituents when he said, that the conduct of the Election Committees was most corrupt. As for any stigma which the House might propose to inflict on the hon. Member for Dublin, he for one should be proud to bear a share of it.

Lord *John Russell* said, that he should give his vote against this last proceeding on this subject, and state shortly to the House the view he took of the case, without entering into any unnecessary argument upon it. Indeed, it was unnecessary to enter into any argument, because what had fallen from his hon. and learned Friend the Member for Liskeard very nearly expressed what he thought. He wished the House to recollect, that for some years past attacks had been made of the most gross and abusive kind upon Members of that House, and especially on those who sat on that (the Ministerial) side of the House; he wished the House to recollect that in the autumn of 1836, the very word "perjury" applied to Members of that House, only qualified by being joined in the connexion, "treachery aggravated by perjury"—he begged the House to recollect, that last year he had advised the House not to notice these expressions otherwise than by contempt, and he was glad to find that that contempt had been shown by the House; he begged also to call to the minds of the House the conduct of the Members who had been charged with the crime of perjury, that they had not thought it necessary, although their feelings must have been sorely wounded at the imputations cast upon them, to call upon the House for any kind of vindictive proceedings, or for censures on that occasion. He begged the House also to call to mind, that on various occasions, expressions had been used out of doors highly derogatory to the Queen's Ministers, not only as public men, but as gentlemen, and he thought it right to say, that neither by prosecution nor proscription, nor by taking away of honours, station, office, nor by any other means, had the Ministry done anything that could show vindictive feelings on those occasions. What was the situation of the House now? That a Member had used very strong expressions against a party in that House to which he did not belong, and a member of that party had brought before the House the subject of that charge; 254 Members had voted against the proposition of that Member, and 263 in favour of it, the majority belonging to the party against whom the charge was made. That was not the manner in which decisions of that House with respect to privilege used to be expressed, that was not the manner in which the decisions of juries of this country were formed, nor, with respect to any twelve men accused of perjury, was it the custom that they should be put into the box to try the charge. With respect to the decision of the House last night, he felt some consolation in the very trifling nature of the punishment which it was proposed to inflict, adopting precedents not of very great importance. One of them, indeed, was a very bad precedent, where a person during the prosecution of Mr. Warren Hastings was ordered to be reprimanded, and with regard to the other precedent, that was the decision of the majority who voted to reprimand Sir Francis Burdett in his place in that House. But he did think that those who adopted that conduct were proceeding from a worse course to a better, for the ancient manner of settling affairs of this description was, that Members should be punished by imprisonment, which, however was found, as the hon. and learned Member for Huntingdon had said, to be quite inefficacious. When the House had begun to mitigate the punishment it thought proper to inflict on its Members, it no longer imprisoned, but took the course of ordering a reprimand, and this was a step to a better mode of proceeding, which was, to take notice of cases of imputed breach of privilege only when they interfered with the functions of that House. But having so long gone on in this course, to reprimand a Member in his place for expressions applying only to a part of the House, would be to go from a better to a worse course. He might be told by hon. Members opposite, that this was the mildest kind of punishment which could be inflicted, and that it was little more, in fact, than what had been already done. But, as he had last night taken the liberty to say, he could not be convinced that they might not go on from the milder to the worse course—that they might not, if they once stopped in the course of progressive improvement which he had described, in fact, go back to the ancient harsh proceedings—that they might not come to have recourse to those more violent modes of punishment which, of late years, had been wholly dropped. He lamented that the House should have done anything which appeared to tend that way, and that it should have taken this course in a case in which the expressions used did not apply as against the whole House, but against that part of it which formed the majority on the occasion of the late vote. He trusted that those who felt with the hon. and learned Member for Dublin, certainly far more fully than he did, would do their best to restrain their feelings, because he thought that the only chance of the matter ending without any pernicious result, was, that they should not proceed farther on the subject than the vote to which they were about to come. and that the House should rest satisfied with that vote.

The House divided on the main question, that Mr. O'Connell be reprimanded:—Ayes 226; Noes 197: Majority 29.

List of the AYES.

Acland, T. D.
A'Court, Captain
Adare, Viscount
Alexander, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baker, E.
Baring hon. W. B.
Barneby, J.
Barnes, Sir E.
Barrington, Visct.
Bateman, J.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, L.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, Peter
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir R.
Cantalupe, Visct.
Castlereagh, Visct.
Chandos, Marquis
Chaplin, Colonel
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clive, Visct.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Colquhoun, J.
Conolly, E. M.
Corry, rt. hon. H.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquis of
Dowdeswell, W.
Duffield, T.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Viscount
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farranti, R.
Feilden, W.
Fitzroy, hon. H.
Follett, Sir W.
Forbes, W.
Gaskell, James Milnes
Gladstone, W. E.
Glynne, Sir R.
Goddard, A.
Godson, R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Granby, Marquis of
Grant, hon. Col.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hon. Sir
  H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Henniker, Lord
Herries, rt. hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W.,
Holmes, W.
Hope, G. W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Irton, Samuel
Jackson, Serjeant
James, W.
Jenkins, R.
Jermyn, Earl of
Johnston, H.
Jones, W.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, rt. hon. T.
Lewis, W.
Liddell, hon. H.T.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, Visct.
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Visct.
Maidstone, Visct.
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Miles, W.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Norreys, Lord
Northland, Viscount
O'Neil, hon. J. B. R.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Perceval, Col.
Perceval, hon. G.
Planta, rt. hon. J.
Polhill Captain F.
Plumptree, J. P.
Pollock, Sir F.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Sanderson, R.

Sandon, Viscount
Scarlett, hon. R.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir George
Smyth, Sir. G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E. J.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.

Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Williams; R
Williams, T. P.
Wodehouse, E.
Wood, Col. T.
Wood, T.
Wynn, rt. hn. C. W.
York, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H. B.
Fremantle, Sir T.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, Sir G.
Archbold, R.
Attwood, T.
Baines, E.
Ball, N.
Baring, F. T.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord W.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Buller, E.
Bulwer, E. L.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Campbell, W.
Carnac, Sir J. T.
Cayley, E. S.
Chalmers, P.
Codrington, Admiral
Collins, W.
Craig, W. G.
Crawford, W.
Curry, W.
Dalmeny, Lord
Davies, Colonel

Dennistoun, J.
D'Eyncourt, hon. C.T.
Duckworth, S.
Duff, J.
Duncan, Viscount
Dundas, C. W. D.
Dundas, hon. J. C.
Dundas, Captain D.
Dunlop, J.
Easthope, J.
Ebrington, Viscount
Ellice, Captain A.
Ellice, E.
Erle, W.
Evans, Sir D. L.
Evans, G.
Evans, W.
Fazakerley, J. N.
Fenton, J.
Fergusson, rt. hon. C.
Finch, F.
Fitzpatrick, J. W.
Fitzsimon, N.
Fleetwood, P. H.
Fort, J.
Gillon, W. D.
Gordon, R.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Grote, G.
Guest, J. J.
Hall, B.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howick, Viscount
Hume, J.
Hutton, R.

James, W.
Jephson, C. D. O.
Jervis, J.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Lennox, Lord G.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Mactaggart, J.
Maher, J.
Mahony; P.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, Sir R.
Philips, G. R.
Pinney, W.
Ponsonby, C. F. A. C.
Poulter, J. S.
Power, J.
Pryme, G.
Redington, T. N.
Rice, rt. hon. T. S.
Rich, H.
Rippon, C.
Roche, E. B.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.

Russell, Lord
Salwey, Col.
Sanford, E. A.
Scrope, G. P.
Seale, Colonel
Smith, R. V.
Somers, J. P.
Standish, C.
Stansfield, W. R. C.
Stanley, W. O.
Stewart, J.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Tancred, H. W.
Thomson, rt. hon. C.P.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Vivian, rt. hon. Sir H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, H.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

Viscount *Maidstone* moved, that Mr. O'Connell be ordered to attend in his place in the House to-morrow to receive the reprimand of the Speaker.

Mr. *Hume* said, that if Mr. O'Connell was to be punished, every other Member who had adopted his words ought to be dealt with in the same manner. He would move that the words of all such Members be taken down in writing by the clerk at the table.

Mr. *Gillon* said, he adopted the words

of the hon. and learned Member for Dublin.

Mr. *Hume* moved, that the words be taken down. He had now put hon. Members at the opposite side in the wrong box, and let them get out of it as soon as they could.

Motion agreed to. Ordered accordingly.

PROMOTION IN THE MARINES.] Lord *G. Lennox* said, it was with deep regret that he felt himself again obliged to call the attention of the House and of the Government to the subject of the slow promotion of the officers of the Royal Marines. He certainly did expect, that after the strong manner in which hon. Gentlemen from all sides of the House last year, when the subject was brought before them, expressed themselves in favour of that body, the matter would have been taken up by the Government, and that it would have been unnecessary for him to have troubled the House again this year. He was the more particularly induced to hope so from the expressions which had fallen from the Secretary to the Admiralty. He did hope that the House would agree with him in thinking, that the time was now come when some measure should be adopted to accelerate the promotion of a useful, meritorious, gallant, and long-suffering body of men. The House was aware that the Ordnance and the Marines were the only branches of the British service in which there was no purchase of rank. It was not his (Lord G. Lennox's) wish to obtain promotion for the Marines at the expense of any other corps; all he asked for them was, that they should receive their fair share of promotion, and within a reasonable time, so that after a certain period of service they might be enabled by promotion to discharge their duty with satisfaction to themselves and benefit to the public. He would now proceed to state to the House what had been done by the Admiralty in the matter since he last had the honour of bringing the question before the House. It was far from his intention to say, that they had done nothing, but he could not say that they had done much, at least as much as, in his opinion, they ought in justice to have done. In June, 1837, nine field officers were allowed the full retiring allowance—were allowed to retire on full pay. Vacancies being thus occasioned, certain promotions took place—four colonels, four lieutenant-colonels, four field-officers, and twenty-four subalterns. They reduced, however, the number of field-officers from sixteen to twelve, and of the subalterns from 102 to ninety. What prospect was it for a poor marine to be obliged to serve in all parts of the globe, and not to be allowed to retire until a medical officer certified that he was no longer able to serve? In his opinion, every officer after forty years ought to be allowed to retire and enjoy his full pension, the hard-earned reward of long and faithful service, and not be compelled, as he now was, to remain in until a medical officer certified he was no longer able to serve. No good could be effected under such a system. At present the Marines had only twenty-one field-officers for 9,000 men, while the Artillery-corps had seventy-two for 7,000. In Spain the Marine-corps had 1,200 men with only two field-officers. It was quite plain to any one that that was not a sufficient number. The reduction in the number of the field-officers had proved fatal to the promotion of the lieutenants and subalterns. He would now take the liberty of saying a few words upon the personal pay of the captains of Marines. In 1805 the pay of officers of the Line of all ranks was increased; that was not the case with the officers of the Royal Marines. He submitted, that there was no reason why the pay of captains of Marines should not be put on the same footing with that of captains of the Line. Had not their conduct been as gallant, and were they not as deserving? Captains of Marines were also put in a situation in which no captains of the Line were put. A captain of the Marines was sometimes called upon, as in Spain, to take the command of 700 men, which was never the case with a captain of the Line, and yet the former, generally an old and experienced officer, was not considered worthy of receiving the same amount of pay as the latter, who might be a boy of twenty-four years of age. In point of fact, the captain of Marines receives 13*d.* a-day less. He trusted, therefore, that the House would see, that something ought to be done. If any class of officers required promotion, it was the lieutenants of Marines. Thirty-nine had served in the last war, and many of them had seen twenty-eight years of service. The year 1837 might be called the Jubilee year of the Marines, as they received more promotion in that one year than they had done for the last twenty years put together. They had indeed a boon then conferred upon them, in the promotion of seventy-three officers. The Artillery, however, had 107, and the Engineers seventy-five, for the same period. From 1814 to 1820 there had been only one promotion among the Marines, while the Artillery had 125, and the Engineers fifty-six. To place the Marines on the same footing of promotion with the other corps he would give a description of what should be done for them, which would save him the trouble of more fully detailing his reasons to the House. He thought that five colonels ought to be made general officers; twenty-one captains, lieutenant-colonels; thirty-six captains, brevet-majors; and twenty-six lieutenants, captains. He was sure it would be wasting the time of the House to detail the nature of the claims of the Marines upon the gratitude and support of the House and of the country. It would be sufficient to say, that in all their naval actions the Marines had shared in the danger. As they had shared in the danger, he wished that they had also shared in the honour. He would only remind the House, that when, unfortunately, a mutiny was raging in their fleet, the Marines remained faithful to a man. He would detain the House no longer. He thanked them for the kind manner in which they had been pleased to listen to him. He would express his most earnest hope that, by their votes that night, they would show to the officers of the Marines that the House was desirous of doing them justice, and duly appreciated their meritorious labours. By supporting the Address to her Majesty they would cheer the drooping spirit of many a gallant old Marine. The noble Lord moved "That an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into her serious consideration the expediency of adopting some plan to accelerate promotion generally in the corps of Royal Marines, so that it may keep pace in a fair and equitable degree with those branches of her Majesty's forces whose system of promotion is progressive; and also to take the case of the captains of the Royal Marines into her Majesty's consideration, with a view of placing them on the same footing as those of her Majesty's regiments of the Line; and likewise to provide some measure for the benefit and relief of those first lieutenants of Marines who served during the late war."

Captain *Boldero*, in rising to second the motion, said, that the able advocacy of the noble Lord had produced a great effect on the House last Session, and all parties had agreed that the marines had received very little kindness or generosity from the country, that they were an injured body of officers. When the noble Lord had formerly brought the subject under the consideration of the House, he did not press his motion to a division for two reasons. In the first place, the hon. Gentleman, the Secretary for the Admiralty, declared that he would take such proceedings as would satisfy the views of the noble Lord; and, secondly, because many thought that the motion infringed on the prerogative of the Crown. After a lapse of some time, there was an order in council, the object of which was to reward worn-out and meritorious officers, and to enable the marines to keep pace in a fair and equitable degree, with other officers employed in her Majesty's service, whose promotion was progressive. Thirty-six officers were allowed to retire on pensions in a short time afterwards, but in their places only twenty were promoted, thereby diminishing the number of future casual promotions by sixteen. There was no chance of preferment for the middle branches, and the corps was absolutely in worse circumstances now than it was last year. The officers were reduced, and from the pay of the colonel commandant, 100*l.* a-year had been taken away, whilst lieutenant colonels were appointed to the rank of colonels, without any additional pay. The Marines, it should be understood, were not considered a separate corps, until after the siege of Gibraltar, when through their valour, that fortress became the property of England by conquest, although it appeared to belong to Spain, by the map of Europe. After the mutiny at the Nore, the conduct of the marines received the royal approbation on account of their bravery and loyalty, and they were honoured with the title of "The Royal Marine Corps." They were then placed on the same footing with officers of the line, but since then, from the year 1814 to 1820, no promotions had taken place. Some time since, he moved for returns of promotion in the Artillery and Engineers, which were produced. He also moved for similar returns of the promotions in the marine corps, but could not get any list. At the conclusion of the American war, eleven officers were killed, but the vacancies were not filled up. In the army and the navy, those officers who had distinguished themselves in general actions, generally found their conduct recognized as a claim to favour and advancement; but in the memorable engagement of Trafalgar, although 100 officers of marines were present, one captain only was advanced to a brevet majority. By a Committee of the House it had been decided, that all sinecures which fell in from the marine service should be divided between naval and marine officers; but although the sum of 4,190*l.* 11*s.* 8*d.* had fallen in, 300*l.* only had been given to two officers of the latter corps, one of whom had been fifty-five years, the other fifty-six, in the service. He thought that more field-officers should be employed. In the Mediterranean, there were 1,000 marines embarked in our ships, but there was no field-officer. In Pembroke dockyard, there was only one major to 200 men. In Spain, where there were 1,200 men, there was only one field-officer, and to the valour of these men he was sure the hon. and gallant Member for Westminster would bear ample testimony. The hon. and gallant Member concluded by saying that the officers of marines were not actuated by any invidious or jealous feeling towards the officers of the navy, or the ordnance, and in setting forth their own claims, did not wish to detract from the merits of others.

Mr. *C. Wood* said, that no blame could attach to the Government for the non-promotion of officers of the marines, as it was the custom in that corps, as in the Artillery, that all advancement should be decided by seniority, and not by any brilliancy of achievement in the service. Before he stated his objections to the motion of the noble Lord, he would refer to what had fallen from the noble Lord and the hon. and gallant Member, as to what he had stated last year to the House. He had stated last year, when the noble Lord brought forward his motion, that the subject was under the consideration of the Admiralty; and though it would have been imprudent for them, having so recently come into office, to adopt any decisive measures, yet long before the noble Lord's motion, the subject had been under the consideration of the board, and measures had been taken to carry out the Order in Council. Knowing, at the time, that there was a considerable number of inefficient officers, it was usual to have some report on that point, and the Physician General of the Forces, and the Adjutant General of Marines had been called upon to report what officers were inefficient for duty; and every officer they reported unfit for duty had been placed on the retired list on the full pay of his rank. It was utterly impossible to go further than that, unless they had put in retirement officers able and unwilling to retire. He could not understand how the noble Lord made out his statement, for the retirements on full pay amounted to 9,617*l.* a-year—he alluded to officers who had retired under the Order in Council of July. The number of officers was two colonels, three lieutenant colonels, one major and two captains, and the amount of their pay was 9,617*l.* a-year, and every inefficient person had been removed. It was true that, in the opinion of some officers of the marines, other of their superior officers might be considered unfit; but if the character of superior officers was to be ascertained by the opinion of the juniors, who were interested in the matter, a very large proportion of the senior officers of the corps would have to retire on the actual pay of their rank, a mode which he thought would not be satisfactory to the House or the country, and he was sure it would not be just. This measure provided for the retirement of all those who were unfit for the service. The next step of the Admiralty was to provide greater means of retirement. The more retirements took place from the head of the corps, the better for the junior officers. Before the Order in Council, the number of retired commandants was two, now it was eight. The House would not sanction a measure which would compel officers to retire who were willing to do duty; but unless they forced officers to retire, they could not increase further the number of retirements. They had, however, increased the number of retirements from two to eight, the lieutenant-colonels from three to four, the captains from twenty to twenty-nine, and they had allowed full pay to second lieutenants. The next step was to give rank to officers. The second commandant was a lieutenant-colonel, not with a lieutenant-colonel's pay, but with a higher rate of pay; and, by way of accelerating promotion, they gave officers, without increase of pay, the rank of colonel, and they increased the lower ranks. And when he stated to the House the effect of this, the House would be of opinion, that nothing could be so inopportune as for the noble Lord to bring forward this motion, and to complain of want of promotion. Take the 1st of January, 1838; there were four colonel commandants, all of whom had been promoted since the 1st of January, 1837. There were four second commandants, all of whom had been promoted since the same time to the rank of colonel. There were thirteen lieutenant-colonels, twelve of whom had been promoted since the 1st of July, 1837; there were ninety-two captains, of whom twenty-three had been promoted since the same time; and one hundred and twenty-four first lieutenants, of whom forty-seven had been promoted since the same time. These were the effects of the measure, and yet the House had been told there had been no promotion. Was there any officer in the House acquainted with promotion in any corps, who could say, that there had been any thing like such promotion as had been the effect of this order in Council obtained by the Admiralty? It was true that they did, at the same time, reduce, to a certain extent, the number of officers in the corps, because they did not think themselves justified in keeping up such a number of officers at an expense of 5,000*l.* a-year. But when the hon. and gallant Member compared the marine officers with the officers of the line, he forgot the difference between the two services. Out of the 9,000 marines, 1,300 or 1,400 were employed in small ships, in which there was no officer with them of the rank of captain. Even in line-of-battle-ships, where there were 100 marines, there was not always a captain with them. When they reduced the number of captains, therefore, it was because, considering the number of men, they could not accelerate promotion at so large an expense. When a comparison was instituted between one service and another, the House would also consider the different circumstances of the corps. The pay of a captain of marines was less than that of a captain of the line by 1*s.* 1*d.* a-day; but consider the different circumstances of the two, and the expenses to which the latter was subjected, which made a total difference between the two services. But if the comparison was good as to one service, it was good as to another, and compare the pay of a captain of marines with that of a lieutenant in the navy, who was of equal rank. The difference between the pay of a lieutenant in the navy and a captain of marines was 4*s.* a-day. A captain of marines had 10*s.* 6*d.*; a lieutenant in the navy only 6*s.* 6*d.*; one comparison was as just as another, and it would be as just to raise the pay of the lieutenant of the navy to that of the captain of marines, as to raise the latter to that of a captain of the army. He had stated thus much, because he had felt it necessary to show the House that the Admiralty had adopted efficient measures to improve the situation of these officers, and he was at a loss to know what further steps could have been taken to accelerate promotion, unless there had been a total departure from the principle of seniority. He would now state the grounds on which he resisted the motion of the noble Lord. When the noble Lord made his motion last year, and when he made his statement that the subject was under the consideration of the Admiralty, a right hon. and gallant Member, not now in his place, had reproached him for not having resisted it on the ground that it interfered with the prerogative of the Crown. He was as ready as any one to stand up for the prerogative of the Crown, but he did not think it necessary to drag it on all occasions before the House. But on the present occasion, when the noble Lord, in his (Mr. Wood's) opinion, and he hoped in the opinion of the House, repeated his motion, he was compelled to resist it, on the ground that it was a direct interference with the prerogative of the Crown, with which the House had no right to interfere. He was especially bound to take this course on the present occasion, when a motion of this description was made, because, by reference to the motions of the last and present Session, it would be seen, that hon. Members had brought forward motions which did interfere with the military services. The hon. Member for Kilkenny had a motion respecting officers of the navy; the noble Lord now brought forward a motion respecting the pay and promotion of the marines; and the hon. and gallant Member for Devonport a motion respecting punishment in the navy. What would be the consequence if the House were to take up all these questions? If the promotion, the rate of pay, and the punishment of the army were to be taken from the Crown by the House—if the House was prepared to adopt and to sanction these motions, it would be taking away the prerogative which was the right of the Crown by the law and the Constitution, and it would endanger the establishments of this country if such a course were permitted. He should resist the motion of the noble Lord, because it was an interference with the prerogative of the Crown, according to the practice of the House, and the constitution of the country. If hon. Members were to take up such cases (not individual cases, which they had a right to take up)—if hon. Members took up such cases for the sake of obtaining some temporary popularity, or for the purpose of gaining popularity amongst a particular class, where no responsibility attached to them, great unfairness would necessarily arise; because if the noble Lord on this occasion took up the case of the Marines, and if the House sanctioned this, and if an hon. Member brought forward such a motion with respect to some other branch, it would cause the greatest confusion. With regard to the motion of the noble Lord, he resisted it on the ground that it was a direct interference with the royal prerogative, and the House could not adopt the motion consistently with the constitution.

Mr. *Hume* said, that when the hon. Member talked of this being an unconstitutional course, he would tell him what he did not seem to know, that it was the constitutional duty of the House, if any case came to the knowledge of a Member in which any part of the public money had been improperly applied, to bring it before the House. If the services of the Marine corps were compared to those of other branches of the military force it must be admitted in the House, as it had been admitted out of the House, that justice had not been done to the Marines in the granting of honours and promotions to the officers. If any man would take the trouble to look into the matter, he would find that this corps had been very unjustly treated, though none was more deserving of rewards and encouragements. He had said as much on a former occasion; and one cause of the neglect which the officers of the Royal Marines had suffered was, that they had not so many friends among the aristocracy as the other services had. He certainly did think that the Government had done right in carrying into effect the improvements and promotions of last year, and he did not rise to complain of them for doing so. But he did complain that the Secretary of the Admiralty should object to the motion of the noble Lord, that it would interfere with the prerogatives of the Crown. To make the service efficient was the object of the motion. The corps at present was not efficient, but it ought to be. On the score of economy it ought to be rendered efficient, otherwise whatever money it cost was a wasteful expenditure. The paltry addition of 13d. a-day was not worth consideration. It was impossible that men could go on always without hopes of promotion. The Marine officers had suffered long and patiently. What must be the feelings of men who had become old in the service in the Marine corps, when they saw officers of the line promoted to posts of honour, and even made field officers, who were scarcely born, when they, as marine officers had served their country many years and now remained as they were then? A sense of justice and humanity ought to dictate a better policy towards these men. If there were no vacancies in the retired list, let some inducements be held out to make men accept of retirement. As the hon. Baronet, the chairman of the East India Company, was in the House, he (Mr. Hume) hoped he would tell the House how the company treated their corps of soldiers whether in actual service or not. He was always an advocate for economy, but he did not support that kind of economy which disregarded the claims of men who had done their duty to the country honourably and efficiently. It was unjust to let such men grow grey in the service without receiving those rewards to which they were entitled. He should be sorry to see promotions and rewards carried on in the same ratio as it was in the land service; but he thought that there was a medium between the two. It was impossible that officers in the Marine corps could be content unless they received the same pay, the same encouragements, and the same promotions as the officers in the land-service. He thought the motion, so far from being objectionable, was one of the least objectionable motions that had ever been introduced into that House. It was "That an humble address be presented to Her Majesty praying her Majesty will be graciously pleased to take into her serious consideration the expediency of adopting some plan to accelerate promotion generally in the corps of Royal Marines." What objection could there be to that proposition, seeing, that promotion in that corps had been proverbially slow? Was it an interference with the prerogative of the Crown to do an act of justice? The motion was a very proper one, according to his view of it, and he thought the Admiralty would do well to pay attention to the statements which had been made by the noble Lord.

Sir *C. B. Vere* said, that it had always appeared to him that the neglect of the interests and claims of the officers of the Royal Marine corps was not only an act of injustice to them, but a great injury to the public service of the country. The present motion was certainly not so objectionable in form as that which was brought forward last year for a Committee of inquiry into this subject. He wished to suggest to the noble Lord, that he should not carry out the whole of the address, but only adopt this portion of it, "That an humble address be presented to her Majesty, praying her Majesty will be graciously pleased to take into her serious consideration the expediency of adopting some plan to accelerate promotion generally in the corps of Royal Marines, so that it may keep pace in a fair and equitable degree with those branches of her Majesty's forces whose system of promotion is progressive." He would stop there, because then there would be no particular mode pointed out; nothing objectionable would then be contained in the address; but her Majesty would see that justice done to that noble corps which they all wished, in such a way as it might please her Majesty to direct. He was persuaded that the House would recollect when the subject was brought forward last year, although the noble Lord withdrew his motion, because it was promised that it would be taken into consideration, it was spontaneously approved of by the House, and that the whole House agreed that it was a question which ought to be favourably entertained. The hon. Gentleman, the Secretary for the Admiralty however, undertook, on the part of the Admiralty, that it should be made a subject of inquiry, with a view to some satisfactory arrangement. It was then decided by the House that it was desirable that such a step should be taken, and that there was no intention to limit the expense on the part of the House. He had now the pleasure to find that the hon. Member for Kilkenny was disposed to treat the subject with the same liberality, and that he would not object to see an item placed on the estimates for that purpose, and he was sure that no other hon. Gentleman would make any objection. The hon. Gentleman, the Secretary for the Admiralty, had stated that a great deal had been done already. That was true. But certainly not to that extent of liberality which the cases of these men deserved. He thought the intention of the House was, that saving money should not be the only consideration attended to in this case, but that the object desired should be accomplished by an expenditure equal to the case, though without doubt a proper economy should be exercised. He hoped some measure would be adopted which would not limit or reduce the number of officers, but which would maintain an adequate number, in order to continue promotions progressively and steadily, because if the promotions were made from the lower and middling classes, without any concurrent arrangements with regard to appointments, the promotions must entirely cease. An instance had been mentioned already by an hon. and gallant Gentleman, of two lieutenants, who had served in the late war, and who distinguished themselves in the action between the Shannon and the Chesapeake. They did not obtain any distinction or reward whatever. Perhaps it was not in the power of the First Lord of the Admiralty to bestow any on them, but a promise was given that they should succeed to some staff appointments, meaning certain small staff appointments, which were the only things to which the officers of marines could look to with any degree of certainty. Of those two officers, one was still living; the other died some years ago. But the one who was still living, was still a lieutenant. [*An hon. Member:* He has been promoted.] If he had been promoted it was only very recently, because it was not long since he had seen and conversed with the commander of the Shannon on the subject, who had taken great pains to get him the promised appointment, but without success. He hoped the motion of the noble Lord for the address, as far as he (Sir C. B. Vere), had stated, would be supported by the House.

Lord *A. Lennox* rose to say a few words in reference to what had fallen from his hon. Friend, the Secretary for the Admiralty, who, if he mistook not, had charged his noble Relative with seeking for popularity by bringing forward his motion. He thought it ill became his hon. Friend to make that charge, because he was convinced that the only object which his noble Relative had in view was to do justice to a gallant and most meritorious corps. His hon. Friend, the Secretary for the Admiralty, appeared to suppose that the navy estimates would pass without any thing being said with regard to the naval service; but he thought the hon. Gentleman was mistaken. It appeared from the navy estimates, which he held in his hand, that there was the sum of 4,490*l.* arising from appointments which had fallen in, and in lieu of which pensions were to be granted. He wished to guard against stating anything which would seem by possibility to attribute a want of respect to the army, of which he was a member, or to the navy, or the artillery; but he wished to see the marines placed on an equal footing with the other branches of her Majesty's forces. It was, however, a very different case with the officers of the army, who obtained each step of advancement by purchase. What he alluded to more particularly was the Ordnance corps. Looking at the sum of money he had just mentioned, he was led to ask why it was that only two officers of marines received pensions of 150*l.* a-year? ["No, no, it is 300*l.*"] There were two major-generals on the list each receiving 300*l.* a-year. Now everybody knew that a major general of marines ranked with a rear admiral of the navy; but there were two rear admirals at the bottom of the list who received 300*l.* a-year each, while the former got only half the amount, though one of them was seventeen years, and the other twenty-two years senior to those rear admirals. He did think that his noble Relative had made out a case for the consideration and support of the House. He found that case supported by even the hon. Member for Kilkenny, who, in regard to public expenditure was the greatest screw in the House. He hoped the House would adopt the motion of his noble relative.

Sir *E. T. Troubridge* wished to make some remarks with regard to the survey of the Royal Marine Corps which had taken place, because he had been connected with it, he having, in company with the Physician General of the Navy, and the Adjutant General of Marines, inspected the corps with a view to ascertain its real condition. He knew well the merit of this distinguished corps in every service in which they had been engaged, and if he were to act on his own determination, he would give a bonus in every case. It had been reported that some of the officers were inefficient. When he went to inspect the corps he found that those reports were incorrect. One lieutenant-colonel who had been reported inefficient, was found mounting his horse to put his corps through their movements. He was asked whether he had any complaint to state, or whether any of his officers were inefficient; he replied that they were most efficient. Four or five years ago, a captain was stated to be ill and enfeebled by age, and he was asked to retire; when the case was examined, he (Sir T. Troubridge) found that the captain could walk twenty miles a-day, that his age was only forty, and that he was able and healthy. But when he found an officer inefficient, he had reported him, and removed him, and appointed another. If the House wished to do justice to one party, however, it ought to do justice to all parties, and have regard to the subordinate officers as well as to their superiors. It had been said, that a captain of marines received 13*d.* a-day less than a captain of the line, but it had been lost sight of and forgotten, that officers of the marines, when embarked, received rations or their provisions in addition to their pay. He trusted that from his manner of addressing the House on the present occasion, it would not be supposed that he was seriously objecting to any improvement on the marine corps, nothing could be further from his wish: but at the same time he had other duties and claims upon him, and from those duties he would never in any situation shrink, however painful they might be. He should gladly unite with the noble Lord in advancing the interests and advantages of the gallant corps which was the subject of the present motion, but there were many other branches of the service equally deserving. There was another point to which he wished to call the attention of the House, that since the promotions which had taken place since last Session, promotions to an extent unprecedented in any branch of the public service, the effects thereby produced had not yet been seen in the divisions of the marines. If he might be permitted to speak his private and individual feelings on this occasion, his wish would be that before the House came to a vote on this subject, the case should receive fair consideration, aided by the production of the papers which would show the effects of the recent promotions. By such a return, the real state of the question would be much better understood by hon. Members than at present was possible. His hon. Friend, the Secretary for the Admiralty, had gone in detail into those promotions, and upon them it was not necessary for him to dwell further. His hon. Friend had also urged the point with regard to the interference with the prerogative of the Crown, and he certainly did think that this motion, if carried, would bring the whole executive of the country, the Horse Guards, the Admiralty, under the controul of this House, and he thought it would be better at once that regular Committees should be formed to regulate the whole of the services. That would be much better than that fault should thus be found with those by whom those affairs were administered. Admitting to the fullest extent the gallantry of the corps in question, he entreated the House to pause and consider well before it took into its hands the executive administration of all the services, which would be most detrimental to their efficiency.

Captain *A'Court* did not rise for the purpose of going into details on the present occasion, but to express a hope that the claims of this most valuable corps would receive the fullest consideration on the part of her Majesty's Government. He should content himself with further observing, that whether in the presence of the enemy, or in cases of insubordination in the naval service, the Royal Marines had always evinced bravery and patriotism. He would only allude to the services recently at Hernani, of a battalion of marines, under the command of Colonel Owen, when they covered the retreat of the Legion, and did such good service. That fact, at least, showed that during the long peace, the energy and bravery of the corps had not been, in the least degree, impaired, and he hoped that in the distribution of honorary distinctions, now creating such a sensation in the country, the services of Colonel Owen—a Queen's officer commanding the Queen's troops—would not be overlooked or forgotten.

The *Chancellor of the Exchequer* said, that he thought the speech of the hon. and gallant Gentleman who had just sat down showed the extreme inconvenience of a motion like that now before the House. Was there any body who denied, or attempted to deny, the services—the eminent services— of the royal marines on all occasions when those services had been required. No man was more ready or willing than his hon. and gallant Friend near him (Sir T. Troubridge) to do full justice to that branch of the service, but at the same time, he and the House ought not to lose sight of the fact, that if the gallantry of the corps—if the reliance of the country on their services on future occasions—if the confidence of the country was to be reposed, it could not alone be confined to the corps of royal marines. His hon. Friend (Mr. C. Wood) had put this question on a proper footing,—namely, was the House disposed to undertake the duty of the administration of the active military service of the country? Were hon. Gentlemen opposite, who themselves were so much attached to the prerogative of the Crown, inclined on the present occasion to depart from the warning which had been given them by the right hon. and gallant Officer opposite, who, though not himself affected by this question, was an ornament to the profession? He alluded to the right hon. and gallant Member for Launceston. Was the House disposed on the present occasion to throw that authority aside, and to undertake for itself to say what ought to be the state of promotion in any branch of the service? The House was fully entitled to know the improved state of promotion in the corps of Royal Marines, and he was fully prepared to move for the production of documents to show that result; but if the House would undertake to affirm by a single vote, unaccompanied by more of deliberation than had taken place to-night—absolutely to affirm that this corps should be placed in a different relative position from other branches of the service, then the House would interfere with the prerogatives of the Crown, and establish a most dangerous precedent. Slowness of promotion had been complained of in this corps. Now, what had been the result since the order in council in July last? There being four colonels commandant, the full number had been made up; of lieutenant-colonels, the full number being thirteen, twelve had been filled up; of captains, the full number being ninety-two, twenty-three promotions had been made, forming one-fourth of the whole; and the number of first lieutenants being 124, forty-seven had been promoted, being two-fifths of the whole. Now there was no branch of the public service in which, during four times the length of period, such an extent of promotion had taken place. Certainly, in the civil department, there had not been one-tenth part of this promotion. But with regard to the marine force, his hon. Friend near him (Mr. C. Wood) had stated, that by a former Board of Admiralty in 1834, there had been a very considerable promotion in this body, and he defied hon. Gentlemen opposite, who knew any thing of the other professions, to prove that there could be exhibited such a rapidity of promotion in those professions as had been stated to-night in reference to the marine corps. The hon. and gallant Officer who spoke second in the debate (Captain Boldero) had alluded in terms of just commendation, undoubtedly, to the recent conduct of the marine forces on the coast of Spain. He could have wished that the hon. and gallant Member had been satisfied with praising the marine force, instead of indulging in an attack on another service in the absence of their commander, who, if present, he did not doubt would have been able to give an answer to it. The hon. Member for Kilkenny had appealed to the Chairman of the East India Company as to the payment of the officers in the Company's service, but if a comparison between the East India Company's and the Queen's service were instituted and the latter were to be fashioned after the former, the Government of her Majesty would have to produce estimates of a very different character. He would take one instance as an example. What did the establishment of the East India Company at St. Helena, at the time of its surrender, cost that body? About 96,000*l.* a-year. Now he believed that the establishment proposed by her Majesty's Government would come within two-thirds of that amount. He spoke from memory; but he believed that the maximum of the expense of the establishment would not exceed 30,000*l.* per annum. He mentioned this not in blame of the East India Company, but only to show that there could not have been a more inappropriate comparison. But on this occasion her Majesty's Government was placed in a most extraordinary situation. Generally speaking, on questions like the present, a charge suggested against the Government was one of extravagant profusion, of an undue attempt to extend their patronage and of their means of influence. What was the case here? Why, the Government were charged with not appointing a field officer to the dock-yard at Pembroke. Now this did not show that they were keeping up the force for the purpose of patronage or promotion, for no hon. Member had said that the corps of Royal Marines, at the present moment, was not adequate and ready to perform its duty to the country. Would, then, the House consent to establish a new rule for this corps which would affect all the other branches of the military service of the country? Could it be denied that the true policy was to maintain a military, a naval, an artillery, and a marine force equal to the defence of the honour and the rights of England, and not that the establishment should be kept up with a view to the claims of any branch of the service for past services? What had been the course since the termination of the war? Had the army that fought at Waterloo been kept up, and the navy that won the victory of Trafalgar been maintained? Certainly not; but the establishment had only been maintained in proportion to the wants of the country. He asked hon. Members, and particularly his right hon. Friend opposite (Mr. Goulburn) to consider whether they would be disposed to sanction this interference with the prerogatives of the Crown. He asked them if they were disposed to lay down this principle of an interference in the promotion of the army, the navy, and the admiralty, and even he would go to the extent, which must follow, of an interference with the promotion in reference to the administration of justice by the House of Commons, if this motion were entertained? He would suppose that, for the sake of a vote, hon. Members opposite would sacrifice that principle; but even supposing that for a moment, would they decide without knowing the new facts affecting the case? And he would bring that to a test by moving an amendment on the motion of the noble Lord. Hon. Gentlemen, whoever they might be, who were in favour of that motion, ought to be in favour of the amendment, which had for its object the production of matter which would bring to the attention of the House the actual facts of the case. Her Majesty's Government had been charged with the non-redemption of the pledge which they gave last Session. The hon. and gallant Officer opposite (Sir C. B. Vere) had said, that he would support the motion of the noble Lord, provided the latter clause of that motion were left out. The hon. and gallant Officer made a distinction in words, but not in substance, and therefore he presumed that his judgment would be the same as formerly. Now, last year the question was for the appointment of a Committee to inquire into the state of the marine service. That motion was brought forward by the noble Lord who had brought forward the present motion, and what was the present motion? It was this:—

> "To call the attention of the House to the slow promotion of the officers of the Royal Marines, and to move that an humble address be presented to her Majesty, praying her Majesty will be graciously pleased to take into her serious consideration the expediency of adopting some plan to accelerate promotion generally in the corps of Royal Marines, so that it may keep pace in a fair and equitable degree with those branches of her Majesty's forces whose system of promotion is progressive; and also to take the case of the captains of the Royal Marines into her Majesty's consideration, with a view of placing them upon the same footing as those of her Majesty's regiments of the line; and likewise to provide some measure for the benefit and relief of those first lieutenants of the Royal Marines who served during the late war."

Now, would any man say, that that was not a more distinct interference with the prerogatives of the Crown than any Committee of Inquiry could be? Suppose that address to be carried, was it possible for the Crown to do otherwise than to carry into effect the declared wishes of the House of Commons? But, suppose a Committee had been appointed to inquire into the matter, would the report of that Committee, even if adopted by the House, be as stringent on the royal prerogative as an address, moved in and adopted by that House, and carried to the foot of the Throne? He contended that it was a principle of the monarchy under which they lived, that promotion in these branches of the public service should proceed from the Crown, and not from Parliament. If a contrary principle were laid down, where was Parliament to stop? If adopted, it would place the Crown in the position of ratifying or adopting the decisions of the House of Commons—a position in which he was sure no hon. Gentleman would wish to see the Crown placed. The principles would divest the Crown of its best prerogative, and compel the military profession to look to that House, and not to the Crown. He objected to the motion—first, as being an interference with the royal prerogative; and, secondly, on the narrower grounds of the want of information before the House; and therefore he should move, as an amendment on the motion of the noble Lord, for a "return of copies of the order in council, dated July, 1837, with reference to the corps of Royal Marines, and of the effects of the promotions thereunder."

Captain *Boldero*, in explanation, begged to observe, that the right hon. the Chancellor of the Exchequer, had thrown out a suggestion that he (Captain Boldero) had made a remark reflecting on the character of the hon. and gallant Member for Westminster. He begged to assure the right hon. Gentleman that he had never wished to allude in the slightest degree to the character or conduct of that hon. and gallant Officer. All he had done was to ask for the vote of the hon. and gallant Officer in favour of the motion of the noble Lord, and accompany that vote with a declaration to the House of the value of that corps from whose services he had received so much benefit. It had been said that this motion had been brought forward in order to court the favour of constituencies. He begged leave to deny, that he had been actuated by any such motives, or that he had a single voter who could be benefitted by the motion which he had thought it his duty to that branch of the service to support.

The *Chancellor of the Exchequer* said, that the hon. and gallant Gentleman had misconceived him, if he supposed that he had imagined the hon. and gallant Gentleman to have cast any reflection on the hon. and gallant Member for Westminster. His observation was, that the hon. and gallant Member having made the statement that the marines did their duty on the occasion to which he alluded, might have confined his praise to them without attacking other corps, in the absence of one who was best able to defend their conduct. He had never supposed that the hon. and gallant Member had in any way alluded to the conduct of the hon. and gallant Member for Westminster.

Sir *A. J. Dalrymple* wished to guard himself in the vote which he should give on the present occasion, from being supposed to interfere with or to infringe upon the prerogatives of the Crown. His hon. and gallant Friend opposite (Sir E. T. Troubridge) had said, that sooner than this motion should be entertained the subject matter should be left for the adjudication of Committees of that House. Now, he, for one, would ever raise his voice against such an interference on the part of this House with the royal prerogatives in naval and military matters. He did not look at this matter in that point of view, though he was free to confess that it involved a question which he did not approach without some feeling of difficulty. He was not in Parliament last year; but it appeared to him, that though a great deal had been done, both with regard to the increase of pay and also to the regulations regarding retirements and promotions, still the advantage to the marine corps had not been so great as had been stated, and therefore he should support the address, with the exception of the latter part, which had been objected to by the hon. and gallant Member for Suffolk (Sir C. B. Vere).

Sir *J. R. Carnac* hoped he might be permitted to offer a few observations to the House. He could not think that any argument was necessary, to show that a corps like the Royal Marines ought to be placed in a situation equal to that of any other branch of the service. The officers of marines complained that they were labouring under disadvantages which did not affect officers of regiments of the line, of the artillery, of the engineers, or of the navy. They complained of the slowness of promotion. Could any one deny that fact? During the last five years, of the officers promoted to the rank of colonels commandant, the youngest had been fifty-eight years in the service. The senior lieutenant colonel promoted had served forty-two years, the senior major forty years, and several of the senior captains were of the same standing. But the hon. Secretary for the Admiralty had told the House that by the orders in council of last year, a boon had been conferred on this corps, and promotions had been accelerated to a degree never before known in any branch of the service. Look at the facts. It was found, that even after this boon had been given, the senior lieutenant was forty-five years in the service, and the same gradation took place in all lower ranks. Now, when it was seen that a gallant officer was compelled to look to the higher ranks and emoluments of his profession, through the long and gloomy vista of a series of years through which few men could hope to live—when it was remembered that there was no permanent provision for those officers, he trusted the House would be convinced that the service would be anything but attractive to the youthful aspirant for distinction, and under the present system afforded a prospect the most deplorable. The officers of the royal marines asked no favour. They only desired to be placed on a footing of equality with other branches of the service. The right hon. Chancellor of the Exchequer had travelled into a comparison of the expenses of the East India Company, and had sneered at the expenses of the St. Helena establishment. That was a question with which this House had nothing to do. It was true, that, on the subject of civil services, the right hon. Gentleman was competent to form a judgment, but he did not think that he was acquainted with all the details of a military establishment. He knew, that the efficiency of the Indian army had been destroyed by the slowness of its promotion. That was the present case of the marine force of her Majesty. The East-India Company had not been disposed to be extravagant, but they found it necessary, for the efficiency of their army, to make arrangements for the acceleration of promotions, and those arrangements were, that every subaltern officer, after twenty years' service, should be entitled to the full pay of a captain; after twenty-four years, to the full pay, for life, of a major; after twenty-eight years' service, to the full pay of a lieutenant-colonel; and after he had served thirty-two years, to the full pay of a colonel. He felt it his duty to stand up there and deliver his sentiments. Some such arrangements ought to be made with respect to the marine forces of the Crown. He cordially concurred in the motion of the noble Lord, and he trusted that it would meet with that support to which it was justly entitled.

Mr. *Goulburn* did not wish to prolong the debate, but merely to state the reason why he should support the amendment of the right hon. the Chancellor of the Exchequer in preference to the motion of the noble Lord. He would not have it understood, however, that, in taking that course, he was insensible to the great merits of the corps of the royal marines—a corps, whose achievements had been acknowledged, not for the first time, in that House, this night. Nor did he mean to imply, by his vote, that the position of that corps was precisely that which, after full examination of the question by the Government, it had a right to expect and ought to be placed in. But he knew from experience, questions of so great difficulty as this, affecting the regulations of the different branches of the public service, ought not, because some discrepancies existed in the system, which discrepancies, when stated to a popular assembly, were calculated to enlist in favour of that branch of the public service, a large portion of the public sympathy, to be decided by such feelings. He thought, after the declaration which had been made by the Government last Session, evincing an anxiety to take measures for an improvement of the system, that the House had a full right to be informed of the measures which had been taken, not on the mere statement of an individual Member of this House, but in such a shape as would enable every Member of the House to form an opinion what the value of the additional advantages were to the corps in question. On other grounds there would be great inconvenience in acceding to the address without full knowledge of all the facts, and for these two reasons, without further trespassing on the House, he should give his vote in support of the amendment of the right hon. the Chancellor of the Exchequer.

Sir *H. Vivian* said, God forbid that he, an old soldier, should get up in his place to detract from the claims of one of the most meritorious corps in her Majesty's service. The grounds on which he wished to appeal to the House were very simple. He knew what difficulties they had in meeting the claims put forward by the different corps of the army for promotion. If they were to accede to the motion of the noble Lord, the consequence would be, that persons would be constantly coming down to the House with petitions from officers of every corps in the service. He earnestly hoped, therefore, that the House, instead of agreeing to the motion of the noble Lord, would vote for the amendment of his right hon. Friend.

Captain *Pechell* hoped the House would beware of the statement of the right hon. the Chancellor of the Exchequer, who had brought all the weight of official language to bear on the unfortunate marines. The right hon. Gentleman had treated them most unmercifully. He would contend that the marines ought to be put on the same footing as the other corps of the army. The Board of Admiralty had done much for them, but they were still in a very unfair position. Let not the House suppose, that because, at the late election for Portsmouth, a doctor in the royal marine corps had been a candidate, the marines were in very great prosperity. This was a rare case. He entreated the House to support the motion of his noble Friend, and he hoped they would not be led astray by the statement of the right hon. Chancellor of the Exchequer, but would insist that the marines should be placed on the same footing as other corps in the service.

Admiral *Adam* said, that if the House interfered in the manner proposed by his noble Friend, the Member for Sussex, and took the power of promotion out of the hands of the Government, while it gave them nothing but the disagreeable duty of punishment or disapprobation, when called for, the efficiency of every part of the forces must be impaired.

Lord *G. Lennox,* in reply, observed, that he was rather astonished to hear the gallant Admiral object to the terms of his motion, more especially as the gallant Admiral had said last year, in reference to this subject, that the course would be not to refer the matter to a Committee, but that the more constitutional mode would certainly be an address to the Crown. As a reference had been made to a private letter of his, he would be bold to mention the subject of a private conversation with the Secretary for the Admiralty. He had asked the hon. Gentleman for the orders in Council, and the hon. Gentleman's reply was, "There they are, you may see them, but we never have given them, and we never will." The Secretary for the Admiralty had said that thirteen captains had been promoted. Now, in fact, there were but twelve, but he would make him a present of one. But how stood the case with regard to these twelve? Two colonels had died—no thanks to the Admiralty for that. Then, one colonel had been made a major-general, and one had been made adjutant-general, so that there were but eight promoted after all. Motives had been attributed to him in the course of the debate by which his conduct had never been influenced. It had been said that he was anxious, by bringing forward this motion, to obtain popularity among his tenants and constituents. He did not seek for popularity more than any hon. Member of that House, and he was only actuated by a sense of what he felt to be right and just. He had but one constituent who was a marine officer, and he was the doctor who lately stood for Portsmouth, in opposition to her Majesty's Government, but he should not be sorry to have a great many more of such supporters. As some objection had been entertained to the latter part of his motion, he was willing to stop at the word "progressive."

The House divided on the original motion curtailed according to Lord G. Lennox's statement:—Ayes 100; Noes 87: Majority 13.

List of the Ayes.

A'Court, Captain
Adare, Viscount
Alexander, Viscount
Alsager, Captain
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Barnes, Sir E.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Bolling, W.
Borthwick, Peter
Bradshaw, J.
Bramston, T. W.
Bruges, W. H.
Buller, Sir J. Y.
Byng, rt. hon. G. S.
Campbell, Sir H.
Carnac, Sir J. R.
Chandos, Marquess of
Chaplin, Colonel
Chetwynd, Major
Chute, W. L. W.
Clayton, Sir W. R.
Codrington, C. W.
Courtenay, P.
Craig, W. G.
Dalrymple, Sir A.
De Horsey, S. H.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, hon. A.
Dundas, Capt. D.
Eliot, Lord
Farnham, E. B.
Forbes, W.
Freshfield, J. W.
Gaskell, Jas. Milnes
Godson, R.
Gore, O. J. R.
Gore, O. W.
Grimsditch, T.
Grimston, hon. E. H.
Hale, R. B.
Hawkes, T.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, R.
Hughes, W. B.
Hume, J.
Hurt, F.
Jackson, Sergeant
Jenkins, R.
Johnson, General
Knight, H. G.
Leader, J. T.
Lennox, Lord A.
Lockhart, A. M.
Logan, H.
Lowther, J. H.
Mackenzie, T.
Maidstone, Viscount
Masters, T. W. C.
Monypenny, T. G.
Neeld, J.
Neeld, J.
Norreys, Lord
O'Neil, hon. J. B. R.
Pechell, Captain
Perceval, Colonel
Pringle, A.
Rippon, C.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Seale, Colonel
Sibthorp, Colonel
Sinclair, Sir G.
Stewart, J.
Stuart, H.
Talfourd, Sergt.
Vere, Sir C. B.
Verner, Colonel
Wakley, T.
Wallace, R.
Wemyss, J. E.
Wodehouse, E.
Wyndham, W.
Yorke, hon. E. T.

TELLERS.

Boldero, Captain
Lennox, Lord G.

List of the Noes.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Archbold, R.
Baines, E.
Barneby, J.
Blake, W. J.
Bodkin, J. J.
Bridgman, H.
Brocklehurst, J.
Brotherton, J.
Busfield, W.
Cavendish, hon. G. H.
Chalmers, P.
Curry, W.
Dalmeny, Lord
Dunlop, J.
Fergusson, rt. hn. R. C.
Finch, F.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, P. H.
Gillon, W. D.
Gladstone, W. E.
Gordon, R.
Goulburn, right hn. H.
Greenaway, C.
Grey, Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Horsman, E.
Howick, Viscount
Hurst, R. H.
Hutton, R.
Langdale, hon. C.
Lefevre, C. S.
Lynch, A. H.
Maher, J.
Mahoney, P.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Milnes, R. M.
Morpeth, Viscount
Murray, rt. hon. J. A.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pendarves, E. W. W.
Philips, M.
Pinney, W.
Power, J.
Price, Sir R.
Protheroe, E.
Pusey, P.
Redington, T. N.
Rice, rt. hn. T. S.
Rich, H.
Rolfe, Sir R. M.
Russell, Lord John
Seymour, Lord
Smith, R. V.
Somerville, Sir W. M.
Stanley, M.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Style, Sir C.
Talbot, J. H.
Thomson, rt. hn. C. P.
Thornley, T.
Turner, W.
Verney, Sir H.
Vivian, right hon. Sir R. H.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Williams, W. A.
Wilshere, W.
Wood, C.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Stanley, E. J.
Troubridge, Sir T.

HOUSE OF COMMONS,

Wednesday, February 28, 1838.

Minutes.] Bill. Read a second time:—Small Debts (Scotland).

Petitions presented. By Mr. J. H. Lowther, from a hamlet in the North Riding of Yorkshire, and by Sir F. Trench, from Scarborough, against the Boundary Bill. —By Lord Castlereagh, from Newton Ards, and Comber, against the Irish Poor-law Bill.—By Mr. Hodges, from parishes in Essex, by Mr. Thornley, from Stafford, by Mr. H. Berkeley, from Bristol, by Mr. Morris, from Carmarthen, by Mr. Bell, from a parish in Northumberland, by Mr. Bowes, from Barnard Castle, and by Mr. Lambton, from North Durham, for the abolition of Negro Apprenticeship.—By Mr. C. Lushington, from fifty Members of the Society of Friends, for the total abolition of Church-rates.—By Mr. Thornley, from Bilston, for the repeal of the Corn-laws; and from Liverpool, for an universal Penny Postage.—By Mr. Lambton, from Richard Beard, coal merchant, complaining of dealers' frauds.—By Mr. G. Langton, from a place in Somersetshire, in favour of the Ballot.—By Mr. Bailey, from Worcester, against the mode of transferring licences for Public-houses.—By Mr. Hutton, from St. Alphage, and St. Mark, Dublin, for Municipal Reform; from the latter, against Tithes; and from the Licentiate Apothecaries, to attach them to Dispensaries.—By Mr. Wakley, from House Painters of Dublin, for a full investigation into charges of Combination; and from the Working Men's Associations in Sheffield and York, and from the Whitesmiths of London, for a mitigation of the sentence on the Glasgow Cotton Spinners.—By Sir R. Ferguson, from Nottingham, for the total and immediate repeal of the Corn-laws.—By Captain Wemyss, from a parish in the county of Fife, against any grant of Public Money for Church Endowments in Scotland.—By Sir C. Style, from Scarborough, against the Municipal Boundaries Bill.—By Mr. Borthwick, from Evesham, for preserving the Bishopric of Sodor and Man.—By Mr. W. Duncombe, from Huddersfield, and Cleckheaton, for the production of all Papers and Documents which had passed between the Magistrates of that district, the Lord-Lieutenant of the West Riding of Yorkshire, and the Home Secretary, in reference to the conduct of those Magistrates.

BREACH OF PRIVILEGE—MR. O'CONNELL.] Viscount Maidstone moved that the Order of the Day for the attendance of Mr. O'Connell should be read.

Order of the Day read accordingly.

The *Speaker:* Is the hon. Member in his place?

Mr. *O'Connell:* I am here, Sir.

The *Speaker:* The hon. Member will be pleased to stand up.

Mr. O'Connell rose.

The *Speaker* proceeded to address him in the following words: Mr. O'Connell, you have permitted yourself to be betrayed into the use of expressions, at a public meeting, with respect to which this House has come to the following resolutions:—"That the expressions in the said speech, containing a charge of foul perjury against Members of this House, in the discharge of their judicial duties are a false and scandalous imputation on the honour and conduct of Members of this House. That Mr. O'Connell having avowed that he had used the said expressions, has been guilty of a breach of the privileges of this House; and, finally, that he be reprimanded in his place." The charge of foul perjury is one of the heaviest that can be preferred; you cannot be surprised that, having cast so grave an imputation on Members of this House, it has roused the indignation of those against whom it was directed, and that you have exposed yourself to the severest censure and displeasure of this House. You have endeavoured to vindicate your conduct by alleging that you were impelled by a strong sense of the defective constitution of the present tribunal for the trial of controverted elections, and that you sought to effect a remedy for that evil, by stimulating public opinion. It is unnecessary for me to remind you that at the time when you used the expressions which have been condemned this House had recognised, with scarcely any difference of opinion, the expediency of attempting to apply a real remedy to the evils of which you complain, and that your energies and talents could not have found a more legitimate or useful employment than in endeavouring to render the measure before this House efficient for its object. You have further alleged, and it is true, that others have used language as strong as that which you have employed with respect to this House and its Members. In general this House has been of opinion that it consulted its real dignity, and obeyed the dictates of true wisdom, in relying for protection and dedefence against misrepresentation and calumny on the consciousness of the zeal and fidelity with which it discharges its duty to the people whom it represents. The case, however, is very different, when one of the Members of this House seeks to disparage and to degrade this House in public estimation, by charging a large portion of its Members with foul perjury. No one knows better than you do that the laws and constitution of this realm have invested this House with power and authority so large that its acts must always have an important influence on the well-being of the state, and that no power and authority can be beneficially exercised unless they are administered by those who are respected. It is, therefore, the first duty of Members of this House to contribute by all proper means to sustain that character, which is as essential for the credit of this House itself, as for the interests of the country. If, unhappily, the day should ever arrive, when from any cause this House should be stripped of the moral influence of character, and of the respect of the people, its means of resistance to inexpedient, unreasonable, or unjust demands, would be so weakened, that this great Assembly, now popularly constituted, might be tossed about by every successive current, and the safety of the state might be endangered. I should be unworthy of the station which I hold if I did not feel the deepest interest in whatever can touch or affect the character of this House; and it is, therefore with great pain that I have been compelled, in the discharge of my duty, thus to animadvert upon the conduct of a Member who has sought to disparage this House by impugning the conduct and honour of a large portion of its Members. It now only remains, that, in obedience to the commands of this House, I should reprimand you, as I now, accordingly, do.

Mr. *O'Connell* proceeded to say:—Sir, it seems to me that in following the precedent which you have laid down on the present occasion, much inconvenience has arisen. I have been deprived of a considerable advantage in my defence, by the mode of proceeding adopted by the House. It is but of small importance to myself, whatever my own inconvenience and suffering may be, but it is of great importance to the House and to the country that in the course of proceeding adopted there should be no disparagement to the character of the House in regard to its moral conduct in the eyes of the country at large. It is not merely by a long-winded resolution, whilst a portion of our body admits the allegation—it is not because we say, that we are pure, that the country will judge us to be so—it is not, Sir, because a majority of nine, or of nine-and-twenty, or even of 200, have declared themselves free from taint, that the country will believe our conduct to be pure. As for myself, Sir, the morality or immorality of this House is a subject of trivial importance; but it is of great importance for the true administration of justice, that no party should be deprived of his rights by reason of a little political bias. In my opinion, Sir, and doubtless in the opinion of the country, the House will not be considered to have vindicated itself by this vote, any more than the judges, who authorised the taking of ship-money would have vindicated themselves before the public, if they had met and declared themselves to be pure, and patriotic, and just. I am sorry that I was not in the House after the resolutions were proposed, because the force of the words which I used, seem to me to be exceeded in the resolution, and I think that I could have satisfied the House of this. But taking the meaning of the word as it is assumed in these resolutions, was it such as to enable the House to declare the language which I used to be false and inconsistent with the fact? Might not many facts be brought forward to prove that partiality does exist? Has any Gentleman avowed that the facts are not true? Why hon. Members would laugh to scorn any one who alleged that there is no partiality in the election petitions of this House. What position, then, are we in when no Member will venture to state his firm belief that Election Committees are impartial? Who will get up and say, that the Committees are impartial? This is lax morality; it is not perjury, but it is simply voting from party bias. Upon the votes of this House it is admitted that many Members' decisions have been influenced by party bias and party attachments. In the resolutions moved last night, and printed with the votes this morning, it is expressly stated, that "several Members of this House have avowed their belief that the decisions of Election Committees, sworn well and truly to try the matter before them, are biassed by party interests and attachments;" and I want to know what this is but a charge of perjury, although you may disguise it under the name of party bias? If this be not perjury, then have I not used the word, for this expresses exactly what I meant to convey. Hon. Gentlemen opposite may lay the flattering unction to their souls that they have made a glorious vindication; but I ask, will the country go with them? Have they said anything to vindicate themselves in the eyes of the country by disclaiming at once that the tribunals are actuated by party feelings? Have they disavowed a system of partiality which every sincere Christian must wish to get rid of? No, they have not done so; nor can they. As for the bill before the House, it does nothing as respects the partiality of the Committees; it does not change their character. I wish to say nothing disrespectful of the hon. Gentleman who has introduced this bill, but it does not apply any remedy, and it contains enactments which are directly opposite to one another. The public have long been opposed to the system, though it appears to have been now for the first time known to the House. Why, Sir, I hold in my hand a pamphlet on the abuses of Election Committees, published by a Parliamentary agent above a year ago, in which he says "During my practice as a Parliamentary agent, now a period of nine years, I have not known a case in which the parties interested, as also the gentleman at the bar, did not look more to the character and political opinions of Members of the Committee, as furnishing grounds of success, than to the merit of the case which they had to sustain." He then proceeds to say—"The evil has continued to increase until it has become intolerable." I have, Sir, proclaimed it to be intolerable, and for this, Sir, I have received your reprimand; but I conceive it to be intolerable, and especially to a part of the country which I have the honour to represent. The Parliamentary agent then goes on—"At the present time no Member is secure of his seat"—and this is told to the public, and no steps are taken by the House upon it—"nor can petitioners hope to succeed with the best cause; all depends on the Committee whom chance, or the superior tactics of party, may select for the trial of the petition." But this calumny and this libel the House permits to be unnoticed, although the publication is to be found in all the shop windows as hon. Members go along the streets. I know that I am not very popular with hon. Gentlemen opposite. It may be my fault, but if it be a fault, it is one of which I cannot repent. But instead of assailing me, why did not the hon. Gentleman attack the person who put forth these sentiments in a publication a year ago? They think to stifle my voice and the opinion of the public, but they will be able to stifle neither the one nor the other. I have every possible respect for the assembly of gentlemen around me; but no respect for any man or any body of men will ever keep me from speaking the truth. Many gentlemen may recollect the story of Galileo, who was imprisoned by the Inquisition for saying that the world moves round; but when the key was turned upon him, and he was left alone, he exclaimed, "The world moves round notwithstanding." Here is the character given of the Election Committees, but not I nor any one of the party to which I belong—I know the gentleman who wrote this pamphlet, but he is not a Whig, much more a Radical as I am, belongs to a party opposed to me—but here is what he says, "Nothing depends upon the merits, but all on the Committee." Now, I ask hon. Gentlemen to put their hands to their hearts and say whether this be true or false? It is easy enough for parties to get on Committees of the most extraordinary character. I have heard to day of a most extraordinary circumstance with regard to a committee; and it was really suggested to me—only the noble Lord who has conducted this case has done so with so much perfect correctness, that I will not at all think of involving him in any species of even legitimate complaint—that my case was to be brought on early, before any facts connected with that case came before the House. But it appears that some gentlemen have that sweet oblivious antidote which makes them forget that two and two make four, or some other proposition equally clear and palpable. The writer then goes on, "Thus to ensure a favourable Committee every principle of decency and justice is notoriously and openly prostituted." This has been in print for twelve months, and yet I am now assailed for taking up this thing when it is pressing on the interests of those most dear to me. This is what the public say, and yet you come out with your resolutions in vindication of yourselves with a majority of nine, declaring that to be true which the public declares to be utterly false. The pamphlet goes on, "The solemnity of an oath and public opinion have little effect on many when the interest of one of their party is at stake." That is what the public say, and what becomes of your vindication or of your reprimand? I have expressed no regret for what I have said—I have retracted nothing—I will retract nothing. I have risen for the purpose of moving for the appointment of a Committee of investigation, which I have not had an opportunity of doing before. Let me meet your resolution by evidence. Give me a Committee—let it be selected in any way which may best secure the discovery of the real state of the public opinion—let the leading men of each party be upon it. Let it be nominated by the Speaker. Ought the House to submit to this history of it given to the public? I do not refer only to the organs of both parties, but to the deliberate publications of your own House. I will examine before the Committee Members of this House, and I will examine the learned Counsel who practise on committees, and who have said to me, "It is in vain to struggle; you see the Committee will decide every thing against you." They at once say, that when they see a Committee of seven to four struck, "You may send your witnesses home—we can go on with your case—there is not the least difficulty or doubt in the matter." I have heard that said of a recent case; and that being so, I put it to the honour and candour of Gentlemen whether they will proceed and persevere in the present course, and not give us the remedy I ask? You have your public tribunals to try every thing untainted and unstained, and you find in those tribunals gentlemen who, whatever their politics may be, perform their duties with impartiality—I will say this of those gentlemen who come among us connected with the English bar—and you have therefore unstained and untainted benches of justice—you have impartial juries—and you can, by doing what we lawyers call changing the venue, remove the trial of a cause to a place where feelings of attachment to either party do not exist—you can get the judges of the land to preside over and correct the errors of juries, and the findings against evidence, or against the weight of evidence; but now, whom have you to correct the decisions of these election tribunals? No one! They are the most absolute tribunals in the world. Law there is, it is true—but they know not law. Then what can be worse than this? Laws of evidence have been made, by which it is provided that no man shall be deprived of or injured in his property or his life, or his honour, except in a manner justified by them. But what law of evidence is followed on election Committees? Why, as it appears from the book of this gentleman, if any person desires to have any particular fact out, which the counsel cannot properly ask for, it is only to suggest to a friendly member of the Committee to put the necessary questions, and facts are elicited which any counsel in a court of justice would be ashamed to require. I am ready to prove my case. I call on you to let me prove my case. If the Committee should be appointed, and should decide that I have made a false charge, there is no submission too humble to be proudly bowed to by me. If they say that I have misstated facts, there is no reparation which I shall not be ready to make. But I cannot comprehend the notion that any censure is inflicted on me by the votes of a majority of this House which will not come to the evil, and eventually procure its entire eradication. That many will come down to-morrow—let me not say all, for I wish to make the exception as wide as I can—but that many will come down, and will be reproached in their clubs if they happen to be away when their ballot is going on. All they want to have said is —"Oh! if you had been in your place—if you had been there—the majority would have been the other way." A morality of party against the morality of justice! I have heard a great deal against religion here. What scuffles and scrambles have been made for the purpose of throwing out observations against religion in one part of the House and in another, and what sanctimoniousness of demeanour has been observed on other occasions! This, then, is a question of trying a matter fairly, after being sworn on the Holy Word of God. Where, then, are those men of pure sanctity? Why don't they come forward now, and adjourn their Sabbath-day's Bills, if we are to hear any more of those Bills—adjourn them for a week or ten days, and come to a real vindication of their calling on the sanctity of the name of the Eternal God. Sir, I mean to move, that this Committee shall be formed, and I shall submit upon that to anything which the House may think fit. I have repented of nothing—I have retracted nothing. I mean not to use harsh or offensive language. I repeat what I have said, but I wish I could find terms less offensive in themselves and equally significant. I am bound to re-assert what I have said, for I am convinced of nothing by a vote. Sir, I now move for the appointment of a Committee.

The *Speaker:* Mr. O'Connell, it is contrary to the rules of the House to move for a Committee without having given notice.

Mr. *O'Connell:* If that is the rule, Sir, I now give notice that I will move for the committee to-morrow.

Lord *John Russell* moved, that the Speaker's address be inserted in the journals of the House.

Ordered accordingly.

London Election Committee.] Mr. *Curry*, the chairman of the London Election Committee, appeared at the bar, and said, that he had been directed by the Committee to report to the House, that, before the meeting of the Committee, and, therefore, before their proceeding to transact any business that morning, an hon. Member, Mr. Richard Sanderson, who was appointed to sit on the Committee, had communicated to him the fact of his having voted at the last city of London election, which, he said, he had discovered only on that morning. He took the earliest opportunity of apprising the Committee of the fact on that morning, and they had adjourned their proceedings until to-morrow, directing him, in the mean time, to report the circumstances to the House.

Mr. *Sanderson* rose, and said, that he felt that some explanation and some apology were due from him on this subject. It was now nearly twelve years since he had first sat as a Member of that House, and, during that time, he had always been an elector of the city of London. It so happened that, at the time at which the election for the city took place, he was almost invariably in attendance at his own election at Colchester, and had, therefore, been prevented from voting, and he thought this had been the case at the last election, and he said so in this House. On reference to the poll-books, however, that morning, and which was entirely of his own accord, he found, that the fact was not as he had imagined, but that he had voted at the last election. He immediately communicated the fact to the chairman of the Committee, and he could now only sincerely express his regret for the inconvenience which his neglect had caused to the House. He could assure the House that the error had been quite unintentional, and he did hope, that every hon. Member would acquit him of any desire whatever to act improperly. What course would be taken by the House he was unable to say, but, for his own part, he wished his name to be struck off the list of the Committee.

Mr. *Williams Wynn* said, that he thought this House would look with very great regret at the unfortunate error of the hon. Gentleman who sat near him, but, whatever any others might feel, he was quite sure that the hon. Gentleman himself must be sincerely sorry for the occurrence. The mistake, however, having been committed, it was a subject deserving of consideration as to what was the proper course to be pursued. There was an act in existence, to which the late Lord Colchester, about twenty years ago, had introduced a clause in order to meet any instances of this kind. It was provided by the statute, which was for regulating the appointment of election Committees, that eleven Members should be sworn at the Table of the House, well and truly to try the merits of the election, and that they should then be deemed and taken to be a Select Committee, legally appointed to try and determine such merits from and after the time of any such Select Committee having been sworn. This was intended to meet the very great inconveniences which must arise from any informality in the proceedings, or from the occurrence of any case like the present, when any Member was, by mistake, sworn to serve on the Committee. Now, a case somewhat akin to the present happened a few years ago with respect to the Dublin election. The only difference was, that there the mistake was discovered at an earlier period of the proceedings; for, on the instant, the hon. Member whose attendance was objected to, had declared that he had not voted at the election, but, afterwards, when he came to the Table to be sworn, he pointed out, that he was disqualified to serve by his having voted. Now, the only question was, what should be done in this case? The Committee, there was no doubt, was legally constituted, because the Act of Parliament provided that it should be taken to be so after the Members were sworn; and it appeared to him, therefore, that, to take the case as one of strict law, the Committee was entitled to proceed with the inquiry which they were sworn to make. The House could not meddle with the case, and could give no direction to the Committee; but if the hon. Member himself felt, as it was most natural he should feel, the circumstance to be one of a very unpleasant nature, he might, on his own application, be relieved from further attendance. He was disposed to think, that the power given to the House, at their discretion, did not exist, unless the facts should specially appear upon the statement of the hon. Member himself. Now, the House had to guard most especially against the possibility of their employing the discretionary authority thus given them as a favour to any hon. Member; but, nevertheless, under certain circumstances, the exemption which he suggested had been allowed; and as one case he might mention, that hon. Members had been excused from further attendance on the death of any near relation. Then it appeared to him that the present case was one which might fairly be considered to fall within the principle which had been then acted upon. Let the House consider the situation in which the hon. Member might be placed, and he thought that it would at once see the propriety of its interference. The vote of the hon. Member himself, given at the election, might be brought under the notice of the Committee, and he had not the power to absent himself, because it was a rule that every Member should be present, and he must give his vote. He did not think, therefore, that, upon reference to the case which he had cited, and on the application of its principle to that which was now before the House, any difficulty would be felt, or that the construction which he proposed to put on the statute would be considered to be strained to an improper extent.

Lord *John Russell* entirely agreed with the right hon. Gentleman opposite as to what he had said on the subject before the House. Certainly the law required that the Committee must continue its sitting, without any alteration being made in the Members sworn; and it did not appear, that any hon. Gentleman could, of his own accord, neglect to give his attendance on the Committee; and if any question affecting his own vote, or that of any other person in the same situation with himself came on, he must still vote upon it. He thought this last consideration was sufficient to induce the House to accept the apology of the hon. Gentleman, and to allow him to be exempted from further attendance in his place in the Committee.

Mr. *Sanderson* then handed in an affidavit to the clerk at the table, and was sworn to the truth of its contents which were as follow:—"I was not aware when my name was drawn on the London Election Committee that I had voted at that election."

On the motion of Mr. Williams Wynn, the hon. Gentleman was then excused from further attendance on the Committee.

FIRST FRUITS AND TENTHS BILL.] Mr. *Gally Knight:* In rising to move that this Bill be committed, I cannot help regretting that the advocacy of the measure has not fallen into abler hands than mine, and I assure the House that I should not have put myself forward on this occasion had any other hon. Member been disposed to take up the question. Sir, I took up this subject, and have gone on with it, with only one object—an anxious wish to obtain something more for the poor livings, which, on all hands, are admitted to be a just object of commiseration. This is no party question, and I trust will be discussed without any party feeling. In looking about for some source of aid to the poor livings—some source which could be made available without alarming the nerves of any one, it struck me that three boards for the management of the small sums through the help of which poor livings are augmented must be more than the necessity of the case could really demand, and that by reduction of the expenses of management an additional sum might be obtained for the augmentation of the poor livings. Under this impression I applied last Session for a Committee to inquire into the matter; that Committee went very fully and patiently into the subject, and there is nothing in this Bill which did not receive the unanimous sanction of that Committee. It will now be necessary for me, as shortly as possible, to explain to the House in what way the boards in question operate at present, and in what way it appeared to the Committee that the business which they transact could be best conducted in future. The boards in question—namely, the Board of First Fruits, the Board of Tenths, and the Corporation for the Management of Queen Anne's Bounty, are all three exclusively occupied in receiving the annual produce of First Fruits and Tenths, and in dealing it out, according to certain rules, in the augmentation of poor livings. It is unnecessary for me to remind the House that First Fruits and Tenths were originally demanded by and conceded to the Pope, and that on the Reformation First Fruits and Tenths were transferred to the Sovereign, as the Act says, "for more augmentation and maintenance of his imperial crown and dignity of supreme head of the Church of England." On this latter occasion a court of First Fruits and Tenths was established by Act of Parliament, which court was subsequently dissolved, and by the 1st of Elizabeth its duties were annexed to the Exchequer, of which the two existing Boards of First Fruits and Tenths are branches. These two boards are under the same chief officer, the remembrancer, but each board has its own receiver and its own clerks. As these boards were established to collect first fruits and tenths, it was indispensable to arm them with the power of enforcing the payment of arrears. For this purpose they are directed to apply to the Court of Exchequer for writs, and it is the peculiar duty of the remembrancer to attend to this part of the business. In order that the boards may exactly know what should be paid in to them in the course of every year, writs are annually addressed by the Exchequer to the bishops, requiring them twice a-year to make a return to the Board of First Fruits of all the institutions to benefices which may have taken place within the preceding half-year in their respective dioceses. The clergy are considered to be so fully aware of their abilities, that they are expected to send in what can be demanded of them, on the score of first fruits and tenths, without any notice. First fruits are due within three months after institution, except the first fruits of bishops, who, on account of the largeness of the sum, and in consideration of the great expenses of taking possession, are allowed to liquidate the debt in four equal yearly payments. Tenths become due at Christmas, but are not exacted till the end of April. If the end of April arrives and the tenths are not paid, it becomes the duty of the Board of Tenths to address a notice to such incumbents as may be in default. If this notice does not bring the money before the 1st of June, it becomes the duty of the board to send a second notice; and if the second notice does not bring the money by the last day of June, the name of the defaulter is placed on what is called the non-solvent roll; any time after which the remembrancer may apply to the Court of Exchequer for a writ to compel payment. Each process subjects the defaulter to additional costs and fees. It is proper to add, that on the death of an incumbent, the Exchequer is empowered to recover arrears of tenths, not only from the executors and administrators of the last incumbent, but even from his successor. Arrears of First Fruits are recoverable from the last incumbent's heirs and executors, but not from his successor. Such is the construction, and such are the duties, of the two Boards of First Fruits and Tenths. The third board, that of Queen Anne's Bounty, was brought into existence by the 2d and 3d of Anne, when that princess gave up the proceeds of First Fruits and Tenths, on the part of herself and her successors, and assigned them for ever to the augmentation of small livings. On this occasion Queen Anne, by letters patent, erected a corporation, who were authorised to receive from the Exchequer the whole revenue arising from First Fruits and Tenths, and to apply them to the augmentation of small livings. The corporation was very numerous. It consisted of the Lord High Chancellor, the archbishops, the great officers of the household, the bishops and deans, all privy councillors, the lords-lieutenant of all counties, &c. The Mayor and Aldermen of London, and the mayors of all the cities in England, they and their successors, were to have a perpetual jurisdiction. They were to hold at least four general courts in every year, of each of which notice was directed to be given in the *Gazette* fourteen days before the holding of the same. In the first instance, it was declared that no board should be legal at which a bishop, a judge, and a privy councillor were not present. Subsequently this stipulation was withdrawn, and it was provided, that any one of the above description, together with every six other governors, should be a quorum. Rules were in the first instance laid down for the government of this board, but it was afterwards provided that, with the authority of the sign manual, the rules might be altered, or new rules introduced, as occasion might require. The superior officers or governors of this board, the Board of Queen Anne's Bounty, were and are purely honorary. They receive no remuneration in any shape for their labours. The executive part of the board was to consist of a salaried secretary and treasurer, with as many clerks as might be necessary. These officers were to be paid out of the funds of the bounty. When this new board was established, two original boards of First Fruits and Tenths were left. The only alteration introduced, was that the expenses of the Board of Tenths should be paid out of the funds of the bounty. The Boards of First Fruits and Tenths continue to receive the dues as before; they transmit them to the Exchequer, which again transmits them, as it receives them, to the bounty, which applies them to the augmentation of the poor livings. I should mention, that for the last century the government of the bounty has been almost exclusively exercised by the bishops. The business appears to have imperceptibly fallen into the hands of those who are more immediately connected with it; of late it has not been the custom to give notice in the *Gazette* of the days on which the boards are held. But any governor who desires to be summoned receives a notice. Such a wish was recently expressed by the Lord Mayor and aldermen of London, who were summoned accordingly. About fifteen boards were usually held in the course of every year. I have now explained, as succinctly as possible, the actual state and the duties of the three boards in question. The Committee appointed by the House to inquire into the constitution of the three boards in question, went very fully into the matter, and examined several witnesses, and unanimously came to the opinion—an opinion probably already formed by the House—that the machinery is more vast and more complicated than the business transacted requires; and that not only might a further sum be obtained for the poor livings by the reduction of the machinery, but that the business itself would, by the adoption of such a measure, be better conducted. Of the amount of labour which the Boards of First Fruits and Tenths have to perform, the House may form a judgment when I state that at these boards the official hours are only from ten till two, and that all red-letter days are holidays; that the remembrancer, the chief officer who superintends both these boards, resides in Somersetshire; that the receiver of the Board of First Fruits and arrears of Tenths holds two other situations under Government, and transacts the business of Craven-street at Whitehall; and that the late receiver of the Board of Tenths had only been at his office four times in eight years. It is evident, therefore, that these boards have little to do, and that little has not always been done well. It is neither my wish nor my intention to find fault with any one. The defects, which the Committee could not but remark, are defects in the system; wherever there is very little to do principals will not attend with assiduity, and wherever principals are not present, abuses will creep in: but I am bound to state that in their transactions with the two boards the clergy have not always been kindly or fairly dealt by, that notices which they should have received have been withheld, with no other very obvious object but that of increasing the fees; and when it is recollected that when a defaulter's name is once on the nonsolvent roll, it is optional with the remembrancer when to apply to the Exchequer for the writ, and that for arrears of tenths the successor of an incumbent is liable as well as his heirs and executors, it becomes apparent how much hardship might be caused by a want of regularity in this matter; and that irregularity sometimes has taken place is proved by the circumstance that, in the case of the vicars choral of Salisbury, ten years elapsed before the claim was urged. Independent of these irregularities, evil and inconvenience necessarily arise from the complicated nature of so many boards. Their duties are confused, their transactions useless and multiplied, and not easily traced; business is obstructed by reference from one board to the other, and if a complaint is made, it is easy for one board to represent that the other is in fault. The Committee, therefore, came to the opinion that, as the Boards of First Fruits and Tenths are at present constituted, a large sum is most unprofitably diverted from the augmentation of the poor livings, and they unanimously came to the opinion that the best way would be to abolish the two Boards of First Fruits and Tenths, and place the whole concern in the hands of the Board of Queen Anne's Bounty. The money gets at last where it was meant to arrive, where it must arrive, to accomplish its destination, into the hands of the governors of Queen Anne's Bounty, and what is the advantage of its being sent, as it is at present, by a very circuitous route for no conceivable object, and losing not a little on the way? The corporation of Queen Anne's Bounty, with the addition of one or two clerks, would alone be fully equal to more than is at present transacted by the three boards, and the zeal and attention with which the governors had hitherto administered the affairs of the Bounty, afford just grounds for the persuasion that the direction of the whole may be safely intrusted to their hands. If before the year 1831 some proofs of insufficient vigilance are to be found in a loss sustained by the Bounty through the defalcation of a former treasurer, yet ample amends have been made by the acting-governors, who since that time have devoted, and still devote, a portion of their incomes to replacing the whole of the deficit. Since that time fresh precautions have been taken, and checks introduced, which appear to be sufficient, and it must not be forgotten, that by the gratuitous services of the present governors, a considerable sum is left for the objects of the Bounty, which the management of the funds would otherwise abstract. The annual amount of the salaries of the officers of the two Boards, which it is proposed to abolish, is 2,022*l.* 18*s.* 11*d.*, a large sum when compared with the annual receipts, which average no more than 14,000*l.*; the whole of this, with the exception of the remuneration of the two clerks, whom it is proposed to transfer to the establishment of the bounty, would eventually be obtained for the poor livings. I say eventually, because whilst I desire to effect the improvement, I desire to effect it without prejudice to existing interests. The Bill, therefore, proposes that the two Boards of First Fruits and Tenths should be abolished, and their duties and powers be transferred to the Board of Queen Anne's Bounty. To effect the improvement without prejudice to existing interests, the Bill proposes, that the Governor of Queen Anne's Bounty should be authorized to make equitable compensation to all such officers of the abolished boards as shall not be transferred to the service of the bounty. The office of Remembrancer is a patent place—it was made a patent place for ever in the reign of Charles 2nd. It is a freehold, and has been repeatedly sold. It is, therefore, proposed by the Bill, that the freehold of the patent of the Remembrancer should be bought up by the governors of Queen Anne's Bounty, and that the fee on institutions to benefices, which now forms a part of the Remembrancer's profits, should in future become payable to the account of the bounty. There are a few more provisions in the Bill, of which I will only trouble the House with two. In order to obtain for the management of Queen Anne's Bounty the advantage of publicity, it is proposed, 1st, that once, in the early part of every year, on some convenient day, the Corporation of Queen Anne's Bounty should hold a general board, of which fourteen days' previous notice shall be given in the *London Gazette;* and 2d, that the Governors of Queen Anne's Bounty shall annually present a return of their receipts and expenditure to the Queen in Council, to be annually laid before both Houses of Parliament. Five offices, three of which are nearly sinecures, will be abolished; and about, by the proposed alterations, 1,500*l.* a-yearwill eventually be obtained for the poor livings, whilst the operations connected with the receipt and expenditure of the First Fruits and Tenths will be carried on in a more regular and satisfactory manner. I am aware that the sum is very inadequate to the exigencies of the case, but 1,500*l.* a-year for ever is not a benefit entirely to be despised; and, at any rate, it is better that it should be obtained for the poor livings than that it should continue to be expended in an unprofitable manner. I do not seek to give to the measure which I am attempting to introduce a value beyond its due. I am aware that it is of no momentous importance, but still it is an improvement, and, as such, will I trust receive the approbation and support of the House. The hon. Gentleman concluded by moving that the Speaker do leave the Chair.

Mr. *Baines* did not rise to oppose the motion of his hon. Friend for going into a Committee. On the contrary, he was a decided friend to the Bill, which was intended to economise the profuse expenditure that had hitherto existed in the collection and distribution of the First Fruits and Tenths. Would the House believe it, that out of the miserable pittance of 13,500*l.* a-year collected from the dignified and beneficed clergy in England and Wales for the benefit of the poor clergy, amounting in number to many thousands, upwards of 5,000*l.* was expended every year in management before the First Fruits and Tenths reached those who ought to be benefited by the Fund. It was high time that such a system should be reformed; and if he had any complaint to make against his hon. Friend's Bill, it was, not that it went too far, but that it did not go far enough. The Select Committee on First Fruits and Tenths and Queen Anne's Bounty, of which his hon. Friend was the chairman, and of which he (Mr. Baines) was a member, recommended a much more extensive measure than this: their recommendation in their report was, that the Tenths should be paid in future upon a valuation approaching more nearly to their real amount than at present; and he would say, that even the Tenths, if fairly collected according to their original institution, would yield for the poor clergy 200,000*l.* a-year, instead of 13,500*l.*, the sum produced by them at present. The difference was enormous; and he hoped that when he brought in the Bill of which he had given notice, he should have the support, not only of his hon. Friend, but of all the zealous supporters of the Church and of the clergy in the House, especially when it was considered that if the First Fruits and Tenths were collected now in their full value, as they were in the reign of Henry 8th, they would produce 500,000*l.* a-year. Nothing could be more important in any country than to uphold the station of the labouring clergy of all denominations, by raising them above penury in their circumstances; and as his Bill had this object, he hoped that it would, when brought forward, secure the support of both sides of the House. It might seem singular that he, not being a member of the Establishment, should take up a measure of this nature; but his reason was that, though the evil of which he complained had existed for ages, no person connected with the Church had ventured to grapple with the difficulty, and even his hon. Friend, the Member for Nottinghamshire, had shrunk from following up the recommendation of his own Committee. He was not inclined to censure his hon. Friend for having pursued this course; he was rather disposed to consider it as an act of courtesy to himself, and as proceeding from a wish to allow him to prosecute a measure through Parliament that he had taken up before the First Fruits' Committee was moved by his hon. Friend. He had only further to say, that he had some amendments to propose upon the Bill now before the House when it came into Committee, the principal of which were to facilitate the searches at the Bounty-office, to restore the governorship of Queen Anne's Bounty to its original mixed character of lay and clerical, and to secure the economic settlement of all litigated questions by providing a summary means of securing the due observance of the provisions of the Bill when it had passed into an Act.

The House went into Committee.

On Clause 12,

Mr. *Baines* moved an additional paragraph, enacting that the Court of Governors of the Corporation of Queen Anne's Bounty should in future be held to be duly constituted and empowered to act only when one-half at least of the governors present were laymen. His object was to restore the court to its original form, and provide against the possibility of abuses.

Mr. *Estcourt* objected to the addition, as invidious and as imputing improper motives to the ecclesiastical governors, who had always done their duty in a manner that deserved the thanks of the country.

Sir *R. H. Inglis* also objected to the amendment. The number of laymen now qualified by law to act on the board was nearer 1,000 than 500.

Mr. *Baines* could not think that the management had been so praiseworthy as was said, because it had not been economical, the cost of managing the income of the corporation being forty per cent. on the whole.

Mr. *Goulburn* did not object to the board carrying on its business as at present. Any layman who wished to attend the board might easily do so by stating his intention to the secretary, who would send him a summons. He had had occasion to pay much attention to the subject; and he appealed to the learned Solicitor-General to know whether the board had any power under the Act to make a new valuation. He had taken the opinions of many eminent lawyers upon the subject, and they were all uniform in holding that the governors had no such power either in this country or in Ireland. It was, therefore, no imputation upon them not to have done what the law did not empower them to do. His opposition to the amendment was simply that it contained an imputation upon those who had hitherto been intrusted with the management of the fund. He thought it hard to cast an imputation upon the governors, and interfere with the carrying on of the business, because persons entitled to attend did not take the trouble to put themselves in the way of being called upon. Any gentleman sending his address to the secretary would be sure to receive a summons, but it would be a waste of time and trouble to require the secretary to send notices to three or four hundred persons whose residences were not known.

Mr. *Hume* thought, that nothing could be more reasonable than to direct the officer whose duty it was to send summonses to every member of the board.

The *Solicitor-General* agreed with the right hon. Gentleman (Mr. Goulburn) that however expedient it might be to have a new valuation, neither the Board of First Fruits nor of Queen Anne's Bounty had the power under the Act to make a valuation.

Sir *M. Wood* could state to the House, that the moment the aldermen knew that they were governors of the board they began to attend. It was a long time, however, before the fact became generally known.

Mr. *Baines* had no objection to the clause being taken into consideration on the report.

The other clauses were agreed to, with amendments.

Report to be received.

HACKNEY CARRIAGES.] Sir M. Wood moved the order of the day for going into Committee on the Hackney Carriages Bill.

Mr. *Hawes* opposed the Speaker's leaving the chair. He was sorry to differ in opinion from his hon. Friend as to this Bill. He entertained, however, very great objections to the principle, and he did not think, if it went into Committee, that it could be materially improved. He objected that there should be two distinct boards, one in the city of London and one in Westminster, to govern the same body of men.

Sir *M. Wood* was surprised at the objections raised by his hon. Friend, because one of the main objects of the Bill was to give the same power to the magistrates of Westminster as was enjoyed by the magistrates of the city of London. But as regarded any hardship upon the owners of these carriages, so far from their objecting to it, they had waited on him, expressing their wish that the Bill should pass as it now stood.

Sir *George Strickland* thought, the House ought to go into Committee on the Bill.

Mr. *Hume* had objections to almost every clause of the Bill which contained a penalty. He suggested that the hon. Baronet should withdraw the Bill.

Mr. *Warburton* thought, the hon. Baronet was bound to delay his Bill until the police of the city underwent the proposed regulation, and he would move that the Bill be committed that day six months.

Only thirty-seven Members being present, the House adjourned.

HOUSE OF LORDS,

Thursday, *March* 1, 1838.

MINUTES.] Bill. Read a first time:—Custody of Insane Persons.

Petition presented. By Lord FOLEY, from Kidderminster, for the abolition of Slavery.

ROMAN CATHOLIC OATH.] The Bishop of *Exeter* had to present to their Lordships a petition on a very important subject. It came from certain inhabitants of the city of Cork, and, as it was not very long, he moved "That it be read at length."

The petition was read accordingly in substance as follows:

"That by the passing of the Roman Catholic Relief Bill, in 1829, a serious alteration was made in the security of the ecclesiastical property of this country, and by which the Roman Catholics of the United Kingdom were rendered eligible to various offices and seats in Parliament. That, notwithstanding the oath taken by Roman Catholics, upon entering into office and taking seats in Parliament, not to subvert the Protestant Church, or weaken the established religion, the petitioners had viewed with great alarm certain persons of this description, openly avowing themselves in favour of the overthrow of the Established Church. The petitioners called their Lordships' attention more particularly to the fact of conspiracies existing, amongst other places, in Cork and Carlow, for the express purpose of taking away the lives of Protestants by base and false swearing on the part of Roman Catholics, and which, it was apprehended, had succeeded in numerous instances; and the petitioners prayed their Lordships to adopt such measures as might be calculated to render the sworn engagements of the Roman Catholics effectual for the purposes for which they were intended."

The Bishop of *Exeter* then said, that, in supporting the petition which their Lordships had just heard read, he should feel it necessary to refer to a great number of documents. It was there stated, that a solemn compact had, in 1829, been entered into between the Roman Catholics of the United Kingdom and this Protestant state, in consequence of the former being admitted to the benefits conferred on them by the measure commonly called the Catholic Relief Act. The Roman Catholics then bound themselves not in any way to interfere with the Protestant Establishment. As it had been denied that such a compact had been entered into, he should feel it to be his duty to make a few observations to the House, in order to prove that such a compact had been made. That fact had been denied, if reliance could be placed on the published reports of the proceedings in Parliament, and he did not know why reliance should not be placed on them, by Mr. O'Connell on the 11th of March, 1834. On that day he moved for the appointment of a Select Committee to consider the oaths which were taken, and those, if any, which ought to be taken by Members of the House of Commons. The hon. and learned Member then said,—"In 1829 we were not asked by the Government to make any compact or contract, and we made none. A seat in Parliament is not to be considered by us as a privilege, but as a matter of right." On that occasion Lord Althorp and Sir Robert Peel both expressed their extreme regret that this subject should have been again brought under the consideration of Parliament. Lord Althorp said, as well as he recollected, on that occasion, that, if it had been conceived possible that, in five years from the passing of that measure, such a proposition could have been made in either House of Parliament, he was quite sure that the act would not have been carried. Sir Robert Peel went more at large into the subject to prove that there had been a compact. Thus both Lord Althorp and Sir Robert Peel agreed in the proposition that a compact had been entered into. It never was contended that a compact had been entered into with all the necessary forms of recognised powers on each side; but it was a question of common sense and common feeling, whether what had passed on both sides did or did not amount to a compact. He did not see all the noble Lords present who were likely to be in a condition to know what passed between the Roman Catholics and the Protestant leaders of the House of Commons at that time; but he saw some noble Lords who were Members of that Cabinet who introduced the Bill in question, who must have known whether any thing like a compact had then taken place; and he ventured to express a hope, that they would have the goodness to say, if it were contradicted now, whether there was or was not a compact then entered into, or an agreement that amounted to a fair understanding of one. Whatever might be the result of that appeal, he should take leave to show to their Lordships, that enough had occurred on the part of the Roman Catholics, in making their applications to Parliament, to constitute them contracting parties to the provisions of any measure that might be passed for their relief, when Parliament thought fit to accede to their petitions. They were at first called by the humble name of "petitions," though afterwards they assumed the character of demands for relief. He should now take some short extracts or passages from certain petitions which the Roman Catholics had at various times presented to Parliament. The first to which he should allude was one presented in the year 1757, from Dr. O'Keefe, a Mr. O'Connell, and others. The petitioners said,

> "It has been objected to us that we wish to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead. Now, we do hereby disclaim, disavow, and solemnly abjure any such intention; and, further, if we shall be admitted into any share of the constitution, by our being restored to the right of the elective franchise, we are ready, in the most solemn manner, to declare, that we will not exercise that privilege to disturb and weaken the establishment of the Protestant religion or Protestant government in this country."

The learned Gentleman (Mr. O'Connell) to whom he had referred, denied that a seat in Parliament was to be regarded as a privilege conferred upon the Roman Catholics. He, therefore, wished to show, that at the very earliest movement of the Roman Catholic body, they acknowledged the possession of the elective franchise to be a privilege. The next extract with which he should trouble their Lordships was, from a petition presented to the Irish parliament from the Roman Catholics of Ireland, in which the petitioners said,

> "With satisfaction we acquiesce in the establishment of the national Church; we neither repine at its possessions, nor envy its dignities; we are ready upon this point to give every assurance that is binding upon man"

He now came to a petition which was presented in 1805, and which was the more worthy of remark as bearing the signature of Mr. O'Connell himself. In that petition he found the following passage:—

> "By the same solemn obligation 'they are bound and firmly pledged to defend, to the utmost of their power, the settlement and arrangement of property in their country, as established by the laws now in being; that they have disclaimed, disavowed, and solemnly abjured every intention to subvert the present Church establishment, for the purpose of substituting a Catholic establishment in its stead,' and that they have also solemnly sworn 'that they will not exercise any privilege, to which they are or may become entitled, to disturb or

weaken the Protestant religion or Protestant government in Ireland."

In 1808, a petition was presented, in which he found this passage:—

> "Your petitioners most solemnly declare that they do not seek or wish in any way to injure or encroach upon, the rights, possessions, or revenues appertaining to the bishops and clergy of the Protestant religion, as by law established, or to the churches committed to their charge, or any of them; the extent of their humble application being, that they be governed by the same laws, and rendered capable of the same civil and military offices, franchises, rewards, and honours, as their fellow-subjects of every other denomination."

He would trouble their Lordships with only one more extract from petitions. In 1812, a similar petition was presented. This petition was the more remarkable, because it was presented to the House of Commons by a noble and learned Lord (Lord Brougham), as he now was, but who was at that time a Member of the other House of Parliament. He was sorry that the noble and learned Lord was not then in his place, because he was sure that he would have concurred in what he (the Bishop of Exeter) was then stating. The petition presented by the noble and learned Lord in 1812, contained the following passage:—

> "We have disclaimed, disavowed, and solemnly abjured any intention to subvert the present Church Establishment for the purpose of substituting a Catholic Establishment in its stead. And we have solemnly sworn, that we will not exercise any privilege, to which we are or may become entitled, to disturb and weaken the Protestant religion or Protestant Government in Ireland. We can, with perfect truth, assure this honourable House, that the political and moral principles asserted by those solemn and special tests, are not merely in unison with our fixed principles, but expressly inculcated by the religion we profess."

It so happened, that the noble and learned Lord, in presenting that petition, remarked upon the oath in a very strong manner. The noble and learned Lord said, "You have got all the security that oaths can give you—I defy the art of man to devise anything stronger." Their Lordships would perceive, from the passages he had quoted, that before the boon was obtained there was a wish, on the part of the Roman Catholics, to give every satisfaction that could be required by a Protestant Legislature and a Protestant State, and a perfect readiness to enter into engagements that should preclude them from any right of interference with the Established Church. This was further demonstrated by other evidence to which he now begged leave to call their Lordships' attention. The secretary to the Catholic board, in his examination before the Committee of that House, said he firmly believed, that the Catholic body had no intention of intermeddling with the Protestant Church Establishment. This was an extract from his evidence:—

> "Have you, in conversations or at meetings of Catholics, or communication with Catholics, ever heard any speculation advanced of a change in that establishment being desirable to the Catholics of Ireland? Never; nor do I believe the Catholics either wish or desire it. As a Roman Catholic, and communicating with the respectable portion of them, we have always deeply regretted, that our emancipation has been so mixed up with ecclesiastical matters; we have always considered it most unfortunate that the question has not been separated. Our earnest wish would be for every possible guard and barrier, and fence, and protection, to the Established Church, and that all her rites and immunities should be preserved. I can undertake to say, that not a single Catholic clergyman in Ireland will contradict what I aver, that they, as Catholics, have no views whatsoever to the disturbance of the establishment."

He should read no more extracts from petitions or the statements of laymen, but should proceed to lay before their Lordships some clerical statements. He should advert to certain declarations of Dr. M'Hale, who was not at the time they were made so high in the Church as he then was, but was in a position which entitled his opinions on Catholic matters to great respect. On the 6th of November, 1826, Dr. M'Hale, who had been for eleven years a lecturer in Maynooth College, stated on oath, before the Commissioners of inquiry into Irish Education, as follows:—

> "Without reference to Parliamentary enactments, I do not consider the Church Establishment in Ireland as productive of benefit to the country, but as I am bound to obey the law, I shall acquiesce in the enactments of the Legislature. If there were no laws to bind me, I should feel no respect for the Establishment. As it is, I am bound by the Legislature of the country, and respect its enactments."

In another place he says—

> "Although the great mass of the Catholic population derive no benefit from the Established Church, and are therefore under no moral obligation to pay tithes to it, yet so long as the law requires that tithes should be paid, they will acquiesce in its decisions."

He went on to say:—

"As to the dignitaries of the Established Church in Ireland, we shall never refuse to acknowledge the jurisdiction in their temporalities, or the possession of their titles, conceiving that the state, which conferred them, alone has the power to take them away, and considering that, as St. Paul says, 'We ought not to refuse honour to whom honour is due, or tribute to whom tribute.'"

He next felt it necessary to call their attention to the testimony of a layman, which he had forgotten at the moment when he said, that he would quote no more matter drawn from that source, and which was very important. It was the evidence given by Mr. O'Connell himself. He quoted this testimony as it had been given to their Lordships by a noble Earl whom he regretted not to see in his place—he meant the Earl of Winchilsea; because, had the noble Earl been present, he would have been able to inform their Lordships from what source he obtained the information. He was satisfied, however, that their Lordships would consider that noble Earl's name a sufficient warrant for the authenticity of the testimony. The evidence of Mr. O'Connell, as quoted by the noble Earl, was as follows:—

"Suppose the witness were to receive a *carte blanche* upon the subject of Catholic Emancipation, and were required to fill up the extent of concession with which the Roman Catholics would be satisfied, how would he do so, and what would they require?—Mr. O'Connell.—I would require that the doors of both Houses of Parliament should be thrown open to Roman Catholics; and that persons professing that religion should be eligible to hold the situation of judges, and other places of trust and emolument, from which they are now excluded. This is what I would require, and what would, I think, satisfy them; but, in making this concession, I would recommend the absolute abolition of 40*s.* freeholds.—Let the witness state for what reasons he would recommend the curtailment of the privilege of elective franchise. Mr. O'Connell.—For the purpose of securing the Established religion in Ireland, and I would further recommend, that no concession whatever be made to the Roman Catholics unless the Establishment in Ireland be rendered inviolable.—The recommendation now given, and the opinions expressed by the witness appear to be very much at variance with those sentiments said to have been contained in his speeches at the Catholic Association and elsewhere.—Mr. O'Connell.—I do not hold myself bound by what I might have said in that assembly or elsewhere, under particular circumstances. Many things have been spoken by me on these occasions in the heat of debate, or under the influence of excited feelings, to which, in cooler moments, I would not give the sanction of my judgment."*

Now, he thought he had shown, that the

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* With reference to this quotation, the following correspondence took place between Mr. O'Connell and the Earl of Winchilsea:—

"To the Editor of the Times.

"Sir,—May I request that you will have the kindness to insert in your paper of to-morrow the enclosed correspondence?

"I have the honour to be, Sir,
"Your most obedient, humble, servant,
"Winchilsea and Nottingham.
"2, Hill-street, March 20, 1838."

"16, Pall-mall, London, March 5, 1838.

"My Lord,—I cannot bring myself one moment to doubt that your Lordship will receive this letter in the spirit of courtesy in which I write it, and that you will do me the act of justice which I respectfully solicit from your Lordship, precisely as you would desire to have a similar justice done to yourself under similar circumstances, should they be applicable to you.

"The grounds, my Lord, upon which I ask this act of justice are these:—The Lord Bishop of Exeter is reported by the newspapers, and in particular in the *Morning Post* and *Morning Chronicle*, to have quoted you, my Lord, as his authority for attributing to me opinions and assertions the exactitude of which I mean publicly to deny; but being convinced *either* that the newspapers misunderstood the right rev. Prelate, *or* that some person has misinformed your Lordship, I solicit at your hands a reply to the two questions which I beg leave to address to you on the subject. I think I have a right, in point of justice, to such reply, but I prefer seeking it as an act of courtesy.

"The first question is, whether your Lordship ever quoted the questions and answers specified by the right rev. Prelate, or I should rather say, alleged by the newspapers to have been specified by him?

"The second question is, if the facts be answered affirmatively, upon what authority did you, my Lord, quote them?

"In order to save your Lordship any trouble in searching for the matter which has given rise to these questions, I beg leave to enclose that portion of the *Morning Post*, of the 2nd instant, which contains the supposed introductory words of the right rev. Prelate, and the queries and replies of the introduction of which I complain.

"I think it my duty to add, that until I read the newspaper of the 2nd instant, I never heard of such questions and replies, that I remember.

Roman Catholics, on their part, were ready to enter into a compact; and, from what he had said of the declaration in the House of Commons, in March, 1834, it was clearly so considered by Parliament. Their Lordships would perfectly recollect, that on the 28th of April, 1837, when the Marquess of Downshire presented a petition from the Protestants of Ireland, stating that they did not approve of that oath, the noble Viscount near him had said, "he did not approve of that oath. Their Lordships all knew how it was introduced, how it was got into the Roman Catholic Relief Bill. Without that oath, their Lordships knew the bill would never have been got through Parliament." That was very true, and it was satisfactory to show, that that amounted to a compact on both sides. He still hoped to have the advantage of hearing what must be known by certain noble Lords—namely, what actually passed between the Roman Catholic leaders and the Cabinet at the time when the Emancipation Bill was introduced. But whether there was a compact or not would be very far from deciding the question. The great point was, whether those persons had, as the petitioners alleged, and as he (the Bishop of Exeter) thought they had, violated their sworn engagements. Then, in order to see whether they had or had not done so, the first thing necessary would be to ascertain what their sworn engagements were, to look at the oath, and also to look at what must be considered as the fair interpretation of that oath. He should not fatigue their Lordships by reading the whole of the oath, but should confine himself to that part of it which related especially to this subject. The Roman Catholic oath contained this passage:—

"I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in this kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this

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"It is right that I should add, that I am not inquiring into anything that was said or done in the House of Lords. I appeal solely to the newspaper statements, and my inquiries are limited exclusively to the document set out in these newspapers, purporting to be an examination I underwent. I solicit information merely as to whether that document was represented to your Lordship as genuine, and if so, by whom and in what manner. This is my object in writing to your Lordship.

"Confiding to your courtesy for as speedy a reply as may suit your perfect convenience, I have the honour to be, my Lord, your very obedient, humble servant,

"DANIEL O'CONNELL.

"The Earl of Winchilsea."

"Eastwell-park, March 6, 1838.

"Sir,—I hasten to reply to your letter, which has just reached me. In answer to the first question which you have put to me, 'Whether I ever quoted the questions and answers lately specified by the Bishop of Exeter in the House of Lords?' the extracts of which you have enclosed to me, I beg to inform you, that I certainly have, upon different occasions, both in the House of Lords and elsewhere, publicly quoted them.

"In answer to your second question, 'Upon what authority I quoted them?' I have only to reply, that I read them in the House of Lords out of a newspaper, in which they had been inserted, stating, at the same time, as they had received no contradiction from you, that I conceived them to be authentic. If in this conclusion I find myself mistaken, I have only to add, that I shall be ready to acknowledge it.

"I cannot bring back to my recollection positively at what time, or in what paper, the quotations appeared; but I think either in the *Morning Post* or *New Times*, and that they were founded on the evidence given by you, about the year 1825, on the subject of the Roman Catholic Relief Bill.

"I have the honour to be, Sir,
"Your obedient humble servant,
"WINCHILSEA AND NOTTINGHAM.

"Daniel O'Connell, Esq."

"16, Pall-mall, March 17, 1838.

"My Lord,—I am bound to acknowledge thankfully the promptitude and distinctness of the reply to my two questions.

"I owe it to myself, and I think I also owe it to you, my Lord, to state, that although I had no doubt that the pretended extract of my evidence, which you found in the newspapers mentioned by your Lordship, was a mere fabrication by the writers of those newspapers, yet I have taken the trouble of reading over the entire of my evidence before both Houses of Parliament, and I can now solemnly pledge myself that the passage quoted by you is totally unfounded, and that no evidence of mine could warrant the publication of that passage as genuine. You have, therefore, I do assure you, my Lord, been deceived by the oath, without any evasion, equivocation, or mental reservation whatsoever."

Now, in order to come at the real meaning of those words, and to arrive at their true construction, did not, he conceived, require much argument. He knew it had been denied, that they were to look alone at the *animus imponentis*—that they were not to rely on the meaning the petitioners affixed to the oath. Well, then, they certainly had a right, in their endeavour to interpret its meaning correctly, to refer to any contemporaneous history or to any contemporaneous or cognate acts or words of the Legislature, as tending to elucidate the question. Now, for that purpose, he would request the attention of their Lordships while the Clerk at the table read certain extracts from the Speech his Majesty George 4th was pleased to command the Lords Commissioners to deliver in the year 1829. The Clerk then read as follows:—

"The state of Ireland has been the object of his Majesty's continued solicitude. His Majesty laments, that in that part of the United Kingdom, an association should still exist which is dangerous to the public peace, and inconsistent with the spirit of the constitution; which keeps alive discord and illwill amongst his Majesty's subjects; and which must, if permitted to continue, effectually obstruct every effort permanently to improve the condition of Ireland. His Majesty confidently relies on the wisdom and on the support of his Parliament; and his Majesty feels assured, that you will commit to him such powers as may enable his Majesty to maintain his just authority. His Majesty recommends, that when this essential object shall have been accomplished, you should take into your deliberate consideration the whole condition of Ireland; and that you should review the laws which impose civil disabilities on his Majesty's Roman Catholic subjects. You will consider whether the removal of those disabilities can be effected consistently with the full and permanent security of our establishments in Church and State, with the maintenance of the reformed religion established by law, and of the rights and privileges of the Bishops and of the clergy of this realm, and of the churches committed to their charge. These are institutions which must ever be held sacred in this Protestant kingdom, and which it is the duty and determination of his Majesty to preserve inviolate. His Majesty most earnestly recommends to you to enter upon the consideration of a subject of such paramount importance,

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newspapers you quote, and perhaps you would permit me to say, that my leaving the deception uncontradicted would be no proof of its truth, as I have little inclination and less time to contradict the multitudinous false charges daily published in the newspapers against me.

"I readily offer your Lordship to authenticate or to contradict any matter attributed to me of which you should desire to make public use, if you give yourself the trouble of a previous inquiry from me.

"Again, my Lord, thanking you for your satisfactory reply, I have the honour to be, my Lord, your very obedient humble servant,

"DANIEL O'CONNELL.

"The Earl of Winchilsea."

"2, Hill-street, March 19, 1838.

"Sir,—I was on the point of writing to you when your letter reached me, to inform you, after a considerable search I have discovered that the extracts of the evidence reported to have been given by you before the Parliamentary Committee in 1825 were inserted in the *Standard* newspaper of the 5th of February, 1833, accompanying the leading article of that day.

"I have since carefully perused the evidence given by you before the Committees of both Houses in that year, and I am bound in justice to you to state, that the opinions attributed to you in the extracts referred to are not in any way borne out by the sentiments you then expressed.

"I have only to express my sincere regret that I have in any way been instrumental in misrepresenting any part of the evidence which you gave before the Committees in 1825.

"I shall be most ready to make you the only reparation in my power, by placing you right before the public on this point, in any way most gratifying to your own feelings, either by contradicting it in my place in the House of Lords, or by publishing the correspondence which has passed between us.

"I have the honour to be, Sir, your most obedient, humble servant,

"WINCHILSEA AND NOTTINGHAM.

"Daniel O'Connell, Esq."

"16, Pall-mall, March 19, 1838.

"My Lord,—I am bound to say, and I say it cheerfully, that nothing can be more candid or handsome than your Lordship's conduct on the subject of the fictitious extract from my evidence in 1825.

"I therefore accept your offer of the publication of our correspondence on the subject.

"I cannot conclude without once more tendering to your Lordship the expression of my thankfulness.

"I have the honour to be, my Lord, your obedient humble servant,

"DANIEL O'CONNELL.

"The Earl of Winchilsea."

deeply interesting to the best feelings of his people, and involving the tranquillity and concord of the United Kingdom, with the temper and the moderation which will best insure the successful issue of your deliberations."

The answer to the address was precisely similar. The right rev. Prelate proceeded to say, that he thought he was not going too far in stating, that when they considered these very solemn communications which had passed between his Majesty George 4th and that House of Parliament, at this time, and he might add the other House of Parliament also, for he believed the answer to the address returned by the House of Commons was, as usual, an echo of the Speech—he said, when they considered the very remarkable answer which was returned to the communication made by his Majesty to their Lordships' House—when they observed how pointedly it referred to the oath—when they recollected that his Majesty declared himself bound to maintain the Protestant Establishment and the rights of the clergy of that establishment, and when their Lordships answered that communication as they had done—when they considered all these things, they could scarcely come to any other conclusion than that the proceeding amounted to no less than a solemn compact between that House and the Sovereign, to preserve those rights and privileges inviolate. The oath was, in fact, the only security given by the Roman Catholics when the boon which they had so long desired was granted to them. In looking to that security, he thought that the words of the oath ought to be interpreted according to the Speech of his Majesty, in which he expressed his intention to maintain the rights of the Protestant establishment, and to guard and secure it from all danger. That, however, did not seem to be considered by all men as the right mode of interpreting this oath. A learned Member of the other House of Parliament had said, "that he felt himself at liberty as a Protestant, to deal with the whole of that oath according to the construction put upon it by the House of Commons." That arose from the failure of Mr. W. Horton's motion to prevent Roman Catholics from exercising the right of voting on matters affecting the Church. That was resisted, because it would lead to endless discussion as to what question was or was not connected with the interests of the Church. It was also argued that such a provision was unnecessary, because the oath was perfectly clear, and afforded the best security that could be obtained. In several publications, another notion was broached—that the oath was not to affect Members of either House of Parliament in their legislative capacity. That notion was first broached by a very honourable man, the brother of a noble Lord, Mr. Langdale, and was subsequently assented to by Mr. O'Connell. That learned gentleman said—"The interpretation he put upon the language of the oath was this—that the Roman Catholics were bound, as were the Protestants also, to support the Church Establishment as long as it continued to be the law. But as a legislator, he considered it perfectly competent in him to make any proposition for, or to be any party in, altering those laws." On this interpretation, there was one observation to be made—namely, that it was in virtue of that oath that Roman Catholics were admitted into Parliament, which privilege they deemed the most important, and considered all their other demands only as fine dust in the balance. That admission was, in their estimation, the only object of consequence, and unless that was granted all other objects of their desire were to be rejected. It would, therefore, be rather strange if, while one party was so eager to obtain admission into Parliament, and the other was so reluctant to grant that admission, the oath did not extend to Roman Catholic Members in their legislative capacity. In the very front of the Catholic Emancipation Act it was said—

> "And be it enacted, that from and after the commencement of this act, it shall be lawful for any person professing the Roman Catholic religion, being a peer, or who shall after the commencement of this act be returned as a Member of the House of Commons, to sit and vote in either House of Parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following oath, instead of the oaths of allegiance, supremacy, and abjuration."

And why, or for what purpose, was such language placed in the front of that Act, if the oath provided by the Act was not to affect the Roman Catholic Members in their legislative capacity? If such language was not used for the purpose of restraining them as legislators, he knew nothing more absurd than that such expressions should have been inserted at all. But he would beg to remind their Lordships that Protestants were not bound by a similar oath: and wherefore, then, were the Roman Catholics bound by an oath not to weaken or injure the Protestant establishment, if that oath did not extend to them in their legislative capacity? There was another interpretation of this oath. It was assumed to be no more than a declaration similar to that which was made by persons previous to taking office in any department of the public service. This was a notion which he believed was also put forward by Mr. Langdale. That hon. Gentleman referred to the obligation which all Ministers of State and other high officers came under when they took office, not to use the influence of their office in any way tending to injure the Protestant Church or Protestant Government. But Mr. Langdale did not advert, when arguing on a question affecting the Church of Ireland, that that declaration was specially limited to England, and therefore was not applicable to any question having reference to the Church of Ireland. That hon. Gentleman, however, put forward his views on a question having reference solely to Ireland. They would now see that there were very different views in reference to this oath as it affected the church. A noble Viscount, a Member of the other House, and a Member also of her Majesty's Government—he meant the noble Lord, the Member for Northumberland—made some observations in the other House in reference to the Irish Church in 1835. On that occasion the noble Lord — and he believed the noble Lord was a sincere Christian and good Churchman, he said with the greatest sincerity that he believed the noble Lord was a good Churchman—but in 1835 the noble Lord had said, that although he was bound not to injure the Church of England, he considered the Church of Ireland an insult to the Irish people. The noble Lord felt himself restrained by his oath of office so far as the Church of England was concerned, but he felt also that that oath was not binding on him in reference to the Church of Ireland, and that he was at liberty to use his influence as a Cabinet Minister to effect such alterations in the Irish Church as his peculiar views might induce him to consider necessary. He (the Bishop of Exeter) therefore was obliged to say, that the Roman Catholic oath had no affinity, and could not have been intended for a purpose similar to that for which the oath of office was provided. He was, however, happy to say, that while some Roman Catholics were eager, or apparently eager, to throw off the obligation of the oath they had taken, there were others, and not a few, who adhered to it in its obvious meaning and refused to participate in any measure affecting the interests of the church. He might, in the first place, mention a noble Lord, formerly a Member of the other House, and now one of the greatest ornaments of their Lordships' House—he alluded to the Earl of Fingal. That noble Lord had not any of those loose notions in regard to the oath which he had taken which some entertained, and felt himself bound to abstain from all acts which could possibly affect, in the slightest degree, injuriously the Church Establishment. He had shown his sincerity, too, in the view he had taken of that oath by refusing to join in any measure hostile to the Established Church in Ireland, even at the hazard of his seat in the other House of Parliament. The noble Lord's declaration in regard to the Roman Catholic oath caused him the loss of his election for the county of Meath. Such, he believed, was the fact, for it was generally stated, that he had lost his election in consequence of his declaration in regard to that oath. He would not argue, that the noble Lord had been a martyr; he was not certain of the cause which produced the defeat of the noble Lord, but it was generally said to have been his unlucky declaration—unlucky as far as his election was concerned, but in other respects most happy. Mr. O'Reilly had also declared similar sentiments; he was not a martyr, but he shared the same fate with the noble Lord to whom he had alluded, and also lost his election as the consequences of the views he entertained of the oath which he would have had to take before assuming his seat in the House of Commons. Whether any other Irish Roman Catholic Members of the House of Commons were equally willing to make a similar declaration, at the hazard of similar consequences, he did not know, but he rejoiced to say, that Mr. Petre, an English Member, had stated, that nothing could induce him to act on the interpretation put upon the oath by some Gentlemen. It was not for him (the Bishop of Exeter) to say, that the interpretation put upon the oath by those individuals was the only one which could fairly be put upon it; but it was his duty when presenting petitions on the subject, to state, what his own views were, and to declare what was, in his opinion, the right interpretation of that oath. The first clause of that oath to which he would advert was as follows:—

"I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present Church Establishment as settled by law within this realm."

Now, he thought that in point of fact that part of the oath prevented any conscientious man who had any feeling of hostility to the Church Establishment, or any intention of subverting it, from qualifying himself, by taking the oath for a seat in Parliament. The next passage was:—

"I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom."

Now, he certainly did not hold that that part of the oath was to stop the mouths of the Roman Catholic Members; he did not hold that Roman Catholic Members were by that clause of the oath compelled to leave the House when any question regarding the Protestant religion in this country was brought forward. Far from it; for they were present in the Legislature under a writ of summons, which called upon them to advise her Majesty upon certain important affairs relating to both Church and State. It would be too much to say, that persons having received such a writ of summons should be precluded from advising her Majesty upon one portion of public affairs to which the summons bore a direct reference. But while he stated, that such were his opinions, he was bound to say, that he held the portion of the oath he had last read to impose a restraint on Roman Catholic Members which was not put upon Protestants. The Roman Catholic Members swore, that they would not exercise any privilege to which they were or might become entitled—and that could only refer to their legislative privilege, for their other privileges were mentioned afterwards—to disturb or weaken the Protestant religion or the Protestant Government. They swore to do nothing having a tendency to injure the Protestant Church or the Protestant Government, as by law established. Now, he was happy to say, that these were not wild notions of his. They were not taken up by him without consulting the testimony of conscientious Roman Catholic gentlemen in regard to their view of the oath. To show their Lordships the view taken by conscientious Roman Catholics in regard to this oath, he would read a passage from a letter of a most respectable gentleman, Mr. Waterton, of Yorkshire, as we understood, dated Wakefield, the 6th of March, 1835. In that letter, Mr. Waterton said:—

"Catholic Emancipation has done nothing worth speaking of for me. I can neither be a Member of Parliament nor a magistrate; for no entreaty, no power on earth, shall make me take Peel's oath."

He remarked that with pleasure, for the Jesuits appeared to have taught this gentleman the right interpretation of the oath, although they might not have been so successful with others.

"If I understand the English language—and I ought to understand it, for I was with the Jesuits till I was twenty years old—I say that Peel's oath binds me before Almighty God to abjure any intention to subvert the present Church Establishment. Now, I will do everything in my power, fairly and honourably, as a gentleman, to upset that Church as by law established."

That was frank; it was a fair avowal on the part of the honourable gentleman of his intention to subvert the Church; and he respected the honourable gentleman for his candour. The honourable gentleman openly told his sentiments, and he, for one, was sorry that Mr. Waterton did not take the oath, because he was certain that if once taken it would not be violated. But this was not the only individual who, from similar causes, had refused to take the oath; and to what he was about to state he begged the attention of the noble Baron, the Secretary for the Colonies, who would perhaps be able to give their Lordships some information on the subject. It happened that a Roman Catholic gentleman of high rank—the Roman Catholic Bishop of Malta — was nominated to be one of his late Majesty's Council in that island, and was required to take the oath under the act for repealing the Roman Catholic disabilities. But that gentleman, very much to his honour, said he could not take that oath consistently with the view he entertained, and in consequence he was not admitted a member of the Council. This statement he had received from a most respectable individual; but if the facts were different, perhaps the noble Baron, the Secretary for the Colonies, could inform their Lordships how the matter really stood.

Lord *Glenelg* believed, the facts were as stated by the right rev. Prelate, but he doubted whether it was the oath necessary under the Emancipation Act which was refused.

The Bishop of *Exeter* said, it seemed,

however, that some oath had been refused, which, as a Roman Catholic, the Bishop of Malta could not conscientiously take. He was sorry, that time had prevented him from making more particular inquiries on the subject. Had he thought, that there could have been any doubt in regard to the matter, he would have given the noble Baron notice of his intention to put the question to the noble Baron, when a satisfactory answer might have been obtained. The noble Baron had, however, allowed that some oath had been refused, and it was highly probable, at all events, that it was the oath necessary to qualify for office prescribed by the Emancipation Act. [Lord *Glenelg:* That was not to be assumed.] The noble Baron had admitted, that there was a question about some oath, but the noble Baron could not say positively what that oath was. He thought they might conclude, under the circumstances, that it was really the oath to which he had called their Lordships' attention.

Lord *Glenelg* was unable to say what the oath was, but would make inquiries on the subject and inform the right rev. Prelate of the result.

The Earl of *Aberdeen* knew that the oath was the one mentioned by the right rev. Prelate.

The Bishop of *Exeter* had now the authority of a late Secretary for the Colonies that the oath was what he had stated it to be, and that the Bishop of Malta had refused to take that oath—that that Prelate had refused to qualify himself to be a member of his late Majesty's Council by taking an oath which was at variance with his views as a Roman Catholic. His refusal was the cause why he was not appointed. That Prelate felt, that he could not conscientiously take an oath not to weaken or disturb the established church or to injure the Protestant religion, he himself being a Roman Catholic, and he chose rather to forego the honourable office which was offered him than do violence to his conscience. These were men whom he most sincerely honoured. In the course of the discussions on the Roman Catholic oath there was one learned person who put another construction on the word "establishment" than what that word was usually supposed to imply. Mr. O'Connell, on the 11th of March, 1834, was reported in *Hansard* to have said, that

> "There could be no controversy about the oath as it now stood, because there was nothing in it to prevent a Catholic from acting as he pleased with respect to the temporalities of the established church, either as regarded the power, authority, or emoluments of the church."

He would not charge that individual with having used the words "established church," because reports of the proceedings in that House could not be expected always to convey the very words of the different speakers, and all that could be expected was a fair representation of arguments and opinions. In any case of nicely-balanced expressions, when great importance would be attached to particular shades of meaning, he would not place entire confidence in the accuracy of a report. The phrase used in the oath was not, however, the "established church," but "the present church establishment," and there was a very great difference between the two expressions. Mr. O'Connell said, he did not swear to maintain the tithes and oblations paid to the church. But the "church establishment" could only mean those privileges, possessions, rights, and endowments which the State took care the church should possess, whether by original endowment, or by donations from the Crown or individuals afterwards. If there was any meaning in a church establishment, that was the true meaning, and certainly it was the meaning contemplated in the oath. But Mr. O'Connell said further, that there were two churches in Ireland—the one established by law, and the other by the people, and he asked would the Protestant be less an established church if deprived of its temporalities? To be sure it would; for it would then cease to be an establishment, although it would not cease to be a church, for the church was beyond the reach of human laws, and depended on the will of the Almighty. An establishment meant, and could only be understood to mean, the rights, privileges, possessions, and endowments of the church, as protected and secured to her by the laws. This, then, was the duty imposed on Roman Catholics by the oaths which they had taken. They were bound to do nothing to injure the establishment, or to weaken any of those rights secured to the church by the laws. These were the engagements into which the Roman Catholics had entered, and those engagements the petitioners said, and he said with them, the Roman Catholics had violated. They were here met *in limine* by an objection in the nature of a question—namely, what was it that kept the Roman Catholics so long out of Parliament? And the answer was, their adherence to their oaths—an adherence which nothing could induce them to violate. He admitted, that at first sight there was much in that objection. The oaths previously required to be taken by Roman Catholics had long been a matter of complaint. They said, that they were ready to enter into any engagement not to hurt the established church, but they complained that they were required to take an oath by which they were compelled to abjure a principal dogma of their faith. They said that that obnoxious oath was proposed to them because they were considered enemies of the church, and they asked, what was the utility of imposing such an oath upon them, if they gave security not to interfere with the church establishment? Now, he admitted that there was a great deal in that argument, but still he did not think it was conclusive. What was the history of the necessity for requiring Roman Catholics to take oaths different from those required from Protestants—take, for instance, the oath abjuring transubstantiation? It was this — they were found not to have adhered to their other engagements. In the times of Charles 2nd, an individual very conversant with the conduct of the Roman Catholics of those days, Father Walsh, and who was well acquainted with the troubles of that period, wrote in 1661, a "Remonstrance to the Roman Catholics of England, Ireland, and Scotland," and in the preface he stated, that

> "Their missionaries (*i.e.*, their Jesuit priests) labour to infuse into all their penitents all their own principles of equivocation and mental reservation in swearing any oath, even of allegiance or supremacy, to the King, and for swearing anything or doctrine whatsoever, except those articles which, by the indispensable condition of their communion, they may not dissemble upon oath. That the tenet of transubstantiation is one of these; therefore, &c."

Such was the statement of a learned Roman Catholic, a friend of the Duke of Ormond, to whom, in fact, Father Walsh dedicated his pamphlet, and than whom there were few greater men. It was in consequence of the practices of the Roman Catholics on the Duke of Ormond that Father Walsh wrote his remonstrance. He had said, that he thought that the oaths taken by certain parties had been broken. It would be affectation in him to pretend to be ignorant that, in consequence of having made that assertion on a former occasion, his conduct had been subject to a good deal of comment; and, therefore, dismissing for the moment what was stated by the petitioners, he begged leave to say a few words in support of the position he had taken up. Their Lordships would not, probably, think this a waste of time when he read a notice, which stood on the paper of the House of Commons for last Monday. The notice was to this effect, "that in case the notice by Lord Maidstone is proceeded with, and entertained by the House, to bring before the House the charge of perjury, made by the Bishop of Exeter against Members of this House." He had not been able to find any subsequent statement relative to this subject, either among the notices of motions, or in the minutes of the proceedings of the House of Commons, although it did appear that Lord Maidstone proceeded with his motion, and that the House entertained it. He trusted that he should receive the indulgence of their Lordships if, in reference to his assertion of the violation of the oath imposed upon Roman Catholics, he ventured to read that part of his charge to the clergy of his diocese which a noble Lord in the other House alluded to, and, for ought he (the Bishop of Exeter) knew, still intended to bring under the notice of that House; and as he could not be present in the other House to defend himself, perhaps their Lordships would forgive him if he coupled that matter a little with the petition now before them. In 1836 he had occasion to address the clergy of his diocese, at the triennial visitation, and, in the course of his observations, he did, what it was commonly the practice of bishops to do, address the clergy on all the great transactions which had taken place with respect to the religion of the country and the church of England and Ireland; and he had particularly thought it his duty to express his opinion on a Bill which had been under the consideration of Parliament, entitled, "An Act for the better regulation of ecclesiastical revenues and the promotion of moral instruction in Ireland, in reference to which he remarked—and there appeared to him nothing irregular or reprehensible in commenting, however strongly, on a Bill which had never passed into an Act of Parliament—that it was, in plain English "a Bill for seizing on the revenues of the Protestant Church in Ireland, and applying them to some undefined purpose of teaching morality without religion, and religion without a creed." He afterwards proceeded to observe as follows:—

> "On this Bill I shall be brief, but I cannot but congratulate you, on higher grounds than sympathy with your distressed and excellent brethren, the clergy of that country, that the cause of true religion has not been there abandoned; that those moderate funds (for such they have been proved to be) which the piety and wisdom of former ages have provided for the maintenance and extension of a pure faith throughout Ireland have not become the prey of a perfidious faction, which would not have acquired the powers of mischief which unhappily they possess and exercise but by entering into engagements and binding themselves by pledges, which Englishmen and Protestants would deem it impossible for any who call themselves Christians to dare to violate. In the discussion of the measure in Parliament I felt it my duty to rest my resistance to it on this point—to denounce as treachery, aggravated by perjury, such an exercise of rights acquired under an oath not to weaken or disturb the Protestant religion. In truth, when we call to mind the solemn and oft-repeated protestations made by the Roman Catholics, and by their friends for them—of the sense in which they took that oath, and of the awful obligation imposed by it upon their conscience—and then advert to the certain consequences of the proposed Bill (if it had passed) as avowed by its chief adviser—that it would prove a serious discouragement—a heavy blow—to the Protestant religion, and a triumph to its enemies; but that it was a measure which the augmented force of the Roman Catholics, and their unmitigable hostility to that religion had rendered it necessary—when we call to mind that such was the nature of the measure, such the argument by which it was enforced, I know not in what milder terms the indignation of an honest mind can be expressed than by characterising the conduct of those who demanded it as treachery, aggravated by perjury."

The only meaning of these words was, that the persons who demanded that measure were guilty of "perjury, aggravated by treachery;" and it was for him to show that those persons were Roman Catholics, who required it for purposes contradictory to the engagements which they had entered into. Before he proceeded further, he wished to observe, that the noble Lord who had given the notice he had just alluded to, described the passage he had now read as a charge of perjury against Members of the House of Commons, and consequently implied that the words "perfidious faction" applied to Members of the late House of Commons. Now, it was not his intention to advance the technical and trumpery plea, that because his statement related to the last Parliament, the present House of Commons had no right to take notice of the matter; but he should deal with the real merits of the question. The noble Lord, he repeated, must intend to say, that the phrase "perfidious faction," meant certain Members of the late House of Commons. The noble Lord must also assume that those who demanded that Bill were Roman Catholic Members of the other House of Parliament; for it was quite clear, that the noble Lord's notice charged him (the Bishop of Exeter) with accusing of perjury Members of the House of Commons. He was ready to admit, that by the phrase mentioned he did mean to include some Members of the other House, but not all, who united in favour of the particular measure he had alluded to. He had not stated, that he referred to Members of the other House, but the noble Lord concluded, that such was the aim of his observations, because they could not be taken to have any application to their Lordships' House; for it had never been degraded by receiving within its walls any man who could be considered the member of a "perfidious faction," and who had acquired certain powers by the violation of his sworn oaths. Therefore it was, that none of their Lordships for one moment imagined that his words applied to any of their Lordships, though there were Roman Catholics in that assembly; but they were as determined to adhere to their oaths as any noble Lord or right rev. Prelate then present. Whom, then, did he intend to allude to by the words which had been quoted? He meant the agitators in Ireland, who had forced this measure on the Government, and some of them were out of Parliament. Among them was Dr. M'Hale, whose letter to the Secretary of the Roman Catholic Association he had before noticed. Dr. Murray was to be included in the same class, for he was notorious for insisting that all the rights of the church, especially tithe, be done away with. Dr. Murray was pleased to come forward, he forgot precisely on what occasion, but he believed it was on the occasion of the expedition of the hon. Member who was the prime mover of the General Association of Dublin, through the country, for the purpose of abusing their Lordships. Dr. Murray, he repeated, thought it necessary to send his 10*l.* to aid that learned Member in his design of obtaining the total abolition of tithes. Dr. Murray, too, belonged to the General Association of Ireland, and, consequently, he was a member of a body the declared object of which was, to effect the entire abolition of tithes. He would not trouble their Lordships with any further allusions to individuals out of Parliament; but, having admitted, that his language applied to certain Members in Parliament, he would now endeavour to show, that he had not described them injuriously. He would show, that Mr. O'Connell, who was then the Representative of Kilkenny, did make certain declarations entirely inconsistent with the oath he was obliged to swear when he presented himself to take his seat in Parliament; and he would show this, not by wounding their Lordships' ears with the quotation of any of those expressions which the learned individual in question unhappily too frequently uttered, and which were so loathsome as to be painful to all ordinary ears. For the object he had in view, he had endeavoured to find (but had had no small difficulty in the search) some observations of the hon. Member which were merely wicked without being loathsome. In his address to his constituents of Kilkenny, that learned Member said:—

"I heartily supported the Ministry of Lord Melbourne in their new measure of tithe relief, not as giving all I wanted for the people of Ireland, but as giving us a part, and establishing an appropriation principle, which would necessarily produce much more. Nothing, however, can be so absurd as the allegation of its finality. That bill, had it passed into a law, was equally capable of being altered or repealed that Session; that is, in the Session in which it should have been passed. I, therefore, who am for the total abolition of tithes, voted for the abolition, in the first instance, of part only."

This showed the *animus* of the hon. Member when he voted for the measure already referred to in 1835; and certain resolutions, which plainly demonstrated what his intentions were, had been submitted by him to the general association of Ireland. These resolutions were as follow:—

"That it is the opinion of the association that it is the first duty of the representatives of the Irish people to realise, if possible, entire religious freedom for the Irish nation, in the next Session, by obtaining, if that be practicable, the total abolition of the blood-stained impost of tithes. That if it shall prove impracticable to obtain the entire abolition of tithes in the next Session, then it is the bounden and sacred duty of our representatives to fall back on the next best measure, the abolition of part; provided the same be accompanied by the appropriation clause. That in thus supporting the Ministerial plan of last Session, or a more enlarged one, if practicable to enlarge it, the Irish Members do assert and maintain the principle that the entire should be abolished upon the first practicable occasion."

Such was the testimony he adduced of the learned Member's notions of the oaths he had taken; and the reason why he did not quote passages of an earlier date was, because those which he had collected were of so disgusting a kind, that he did not like to read them to their Lordships. But this was not the only individual, who was a Member of the last Parliament, to whom he alluded in the charge to the clergy of his diocese. There was another learned person, the Member for the county of Tipperary, who, on the 23rd of July, 1835, about a month before the delivery of the charge in question, was reported to have made these observations:—

"Abandoning all metaphysical disquisitions, I proceed, not to a consideration of mere expediency, but of paramount and dire necessity; and I lay down a very plain proposition, and it is this—(I do not mean it to be offensive, but however harsh the truth, it must be told) —it is this, whatever may be your inclination, you have not the ability to maintain the Irish establishment. Why? Because the power of the Irish people has risen to such a pitch, that to the mistaken interests of an impuissant minority, the rights, undoubted although not undisputed, of the enormous majority, cannot, any longer, with impunity, be sacrificed. For what are all these risks to be incurred?—for what are all these appalling hazards to be run? —for what stake is this awful die to be cast? For what into all these affrighting perils are we to rush? For what into these terrific possibilities (for likelihoods I will not call them) are we madly, desperately, impiously to plunge? For the Irish Church!"

The use of the word "impious," in the passage he had just read, certainly astonished him. He must suppose, that the learned individual conceived that it was impious, though sworn to protect the Established Church, to run any hazard for the Church in Ireland. The learned Gentleman proceeded to designate that Church as:—

"The Church, the minority, long the Church of the State, never the Church of the people; the Church on which a faction fattens, by which a nation starves; the Church from which no imaginable good can flow, but evil after evil, in such black and continuous abundance, has been for centuries, and is to this day, poured out; the Church by which religion has been retarded, morality has been vitiated, atrocity has been engendered, which standing armies are requisite to sustain, which has cost England millions of her treasure, and Ireland torrents of her blood."

Such was the language of a Member who had sworn that he had no intention, on entering Parliament, to subvert the present Church establishment; and it was the language of one who had further sworn that he would not use any power which he acquired to weaken the Protestant religion. He would ask their Lordships whether it was to be said, that such an individual had observed his oath? He (the Bishop of Exeter) had already said, that he thought that that individual had not observed his oath; and he had no hesitation in declaring his most firm conviction—a conviction as firm as it was possible for him to entertain on any subject, that the individual who uttered those words, or anything like those words, had grossly—grossly deviated from the sworn engagements into which he had entered. He should not, on the present occasion, have mentioned the name of any individual, had it not been for the course of proceeding adopted elsewhere, which made it necessary for him either to shrink from his statement, or to publish to their Lordships the names of some of the agitators whom he had alluded to in his charge. He must be permitted to make one more observation with regard to Mr. O'Connell. Among other things, the learned Member had said, that he did not consider himself at all bound by the oath taken in the Legislature, when he acted as the leader of the general association at Dublin, for there he did not act in his legislative capacity. Did the learned Member suppose, that by such a miserable quirk he could justify any of his proceedings out of Parliament, which were calculated to subvert the Protestant establishment? The interpretation thus put on the oath appeared to him so preposterous, that he could not avoid noticing it to their Lordships. With respect to the other learned Member, the representative of Tipperary, he would, with their Lordships' leave, read another extract from a speech delivered by him to his constituents in October, 1835, which was illustrative of his intentions towards the Church, and of his fidelity to his sworn engagements to do nothing to weaken the Protestant religion in Ireland. The hon. Gentleman then said:—

"Our eyes were opened, and while we became conscious of the fatal results of our disunion with the Whigs, we determined to repair the evil, and never again to fall into a similar error. Accordingly we entered with them into a class alliance, and at the meeting at Lord Lichfield's formed that compact, and, I trust, indissoluble junction, by which so much has been effected.

"The complete union of the popular party, of which the meeting at Lichfield House was the foundation, is indispensable for the maintenance of the Administration, and therefore for the good of the empire.

"At these meetings, what course was taken by Mr. O'Connell? The most moderate, the most practical, and that which led to the most successful issue. There it was, that the course of proceeding was devised which broke up the Government of Sir Robert Peel. What a glorious and at the same time what an incalculably serviceable circumstance it was, that by a resolution on the Irish Church, and the great principle of secular appropriation of ecclesiastical property, we should have annihilated the Tories. To defeat them by any means would have been in itself a great achievement; but to put them out of office by a resolution, pledging the Whigs for ever and ever to the principle, without which all church reform would be a mere imposture—this was, indeed, a triumph to the Irish people; and if, in the last Session, nothing else had been done, still this would have been a signal instance of success, because that resolution is irrevocable, and the commencement of a new policy, from which a deviation will be impossible for the government of Ireland."

But this brought to his mind the commencement of that policy which that individual had considered he had ground for great merit by insisting on. It was not, however, on the authority of a report of what that learned person had said to his constituents that he held this opinion; it was strengthened by what had passed last year, when a right hon. Baronet (Sir R. Peel) in another place most pithily alluded to this resolution, and called it a "compact," by which it was agreed on the one part that the present Ministers should be kept in power, and, on the other, that the Church of Ireland should be given up to the Roman Catholics. When this passed he said, that the only incorrectness in it was in calling it by the term of "compact," for it was a compact alliance. But let him not be thought to impute such motives to individuals wrongly—and he felt sure that there was one individual (the noble Viscount at the head of her Majesty's Government) who was not a party to that alliance. He did not recollect whether he had spoken for others, or not, but his object had only been to name those persons against whom he had been compelled to bring the charge of perjury, and he had been reduced to it by the motion of the noble Lord (Lord J. Russell). It was the course which had been chalked out for him by that motion. He had nothing whatever to remark on the Government; that was not the object of his observations, but there was one circumstance connected with that individual to whom he had before alluded (Mr. Sheil), which gave a tone of authority to his statement, and seemed to sanction it as correct. That individual who had made the assertions to which he had adverted had within the last fortnight received from her Majesty's Government a remarkable proof of their confidence, but at the same time he felt sure that the noble Viscount would never have recommended to her Majesty to bestow on him such an especial mark of royal favour. He would now remark upon what had been said of him upon a former occasion by a noble and learned Lord whom he was glad to see present—the Lord Chancellor of Ireland—that he had not only charged certain persons with perjury, but also others with subornation of perjury. The noble and learned Lord had said (and it was a conclusion as clear and correct as all the conclusions of the noble Lord were when he was not actuated by political bias, and one of which he himself admitted the full force) that all persons privy to any instance of perjury, or assisting others in doing that which they could not effect without perjury, were all guilty, morally guilty, of subornation. This was the opinion of the noble and learned Lord, and this was the opinion which he himself held, and in his character as a dignitary of the church it was one he would maintain. He did not wish to pursue the inquiry as to what extent the individuals he had mentioned had been guilty of perjury, but he would not shrink from following up the principle on which he had made the charge. This had rendered it necessary for him to deal with the names of those persons, but he had done so solely on that account, and he did not think that he had done anything contrary to his duty as a Bishop, when he was addressing the clergy of his diocese on the solemn occasion of a visitation, in pointing out to them the way in which the church was seemingly endangered, and the source from which that danger had arisen. For having done that, however, he had been made the subject of animadversion in another place, not only during this, but also during the last Session. It was said, he ought to be impeached for it, and he was told that this idea was founded on the authority of the noble and learned Lord, the Lord Chancellor of Ireland. The noble and learned Lord had said, when he expressed his opinion in Parliament on the charge to which allusion had been made, that he (the Bishop of Exeter) was impeachable for what it contained. Upon hearing that, he had ventured to cry out "impeach;" it was the only thing he could do, not as a defiance, but as giving him, when a grave matter of this kind was brought against him, the only opportunity there was of defending himself. This charge, too, had been made by the noble Lord, the chief Secretary of State, not only in this, but also during the last Session of Parliament, and it had been also made by another high functionary of the Government—the Attorney-General. That learned person had said (and it was most surprising to him that he had done so), or was reported to have said, in a speech on the discussion of the Church-rate Bill, on the 14th of March, 1837,

> "That the Bishop of Exeter had, in a charge to the clergy of his diocese, been guilty of the greatest libel; that it was, indeed, the most libellous production he had ever read, and if ever he had filed a criminal information at all, he should be justified in filing one against that Prelate."

There was another thing also which the learned Attorney-General was reported to have said (and having collated the reports, because he thought it impossible that such a person had ventured to say these things about him, he had found it confirmed), as a reason for aggravating his conduct, that he (the Attorney-General) "had recently read a visitation charge of the Bishop of Exeter, in which that Prelate had stated that he was remiss in not having prosecuted certain libellous publications; and he thought that it was most indecent and most unwise in the Bishop of Exeter having spoken in that manner." Having seen that report, he had read through the charge he had delivered three times since, to find out whether there was any foundation for these remarks of the learned Attorney-General, but he had been always unable to discover any, and there was not only no sentiment or language, but not even a scintilla of either, on which an honest man could pass any such observations. From what quarter those reports had proceeded he knew not, but they were an unalloyed and unmitigated fiction. It had been his intention on the following day to avail himself of his privilege, and to bring the subject before the notice of their Lordships. But on going down to the House he found it closed, and on the Thursday afterwards he met a noble Friend, who told him he might judge for himself whether he could do anything in the matter, but that the Attorney-General had met with such a smashing from Lord Stanley that the poor man was done for, and he thought it was hardly worth while. Now, the noble Lord (Lord John Russell) had given the same reason last year as he did now for not prosecuting him for this libellous charge, and that was, that it was too contemptible a course to be adopted. But he must remark on the contempt of the noble Lord (and it was a curiosity in the history of the human passions and feelings, for contempt usually brooded on in silence) that it was of a peculiar kind, and was constantly forcing itself forward. No one could doubt that the noble Lord did not hold the person to whom he had before alluded (Mr. O'Connell) in contempt. Probably he had not more respect for that individual than he had for him (the Bishop of Exeter), but it was extraordinary that that person, who acknowledged himself the master of the Government councils, who vaunted himself the dictator of the country, and the annihilator of the Church of Ireland, should be constantly supported by the noble Lord. He did not understand such a mode of showing contempt as that adopted by the noble Lord. But he would not dwell on this, though he must remark that his observations applied also to another individual, the Attorney-General, and he must say, that he regretted that persons in such high stations as the noble Lord, the Chief Secretary of State, and the Attorney-General, should give so much trouble to others, by bringing forward charges against them in an unfair manner, and when it was impossible for them to defend themselves. He thought it was most unconstitutional (and strong as this term was, it was not too strong for the occasion) that the Chief Secretary of State for the Home Department, and the chief law officers of the Crown, should think themselves at liberty, night after night and year after year, to bring forward such subjects, and repeatedly to threaten to prefer these charges without ever doing so; and that they should come down to the Houses of Parliament and hold this kind of language without enabling the individual himself to answer it. They ought to do that which their office pointed out for them; and if they regarded not the dignity of their office, they ought to consult justice, and pursue the course which that required. The noble Lord (Lord John Russell) was constantly repeating this subject: it was his stock subject. When he had nothing else to say, he always began to talk about the Bishop of Exeter. He hoped, therefore, that if the noble Lord had no regard for the dignity of his office, for the sake of justice, of generosity, that he had some Friend in that House—and he would trust to his manliness, if there were a particle of it in him—who would tell the noble Lord to come forward in an open and decided manner, and give him an opportunity of meeting the noble Lord face to face, or that henceforth he should be silent on this subject. The right rev. Prelate moved that the petition be laid on the table.

Viscount *Melbourne* said, that with respect to what had fallen from the right rev. Prelate, he found it necessary to make a few observations, though he apprehended that if it had not been for what had recently passed in another place, they would have heard nothing upon this subject from the right rev. Prelate. The right rev. Prelate had adverted to various animadversions which had been made on him respecting a charge addressed to his clergy a few years ago. He would not, however, advert to what had passed in the House of Commons; and he must say, that it was imprudent anywhere, either in that House, or anywhere else, to bring forward the matter; and that the less said on the subject, and the sooner forgotten, the better. He thought that the noble Lord, the Chief Secretary of State, had no other intention in having mentioned it, than to show the inconvenience which the course then about to be pursued in the House of Commons might possibly lead to, and that he had no idea whatever of following up the notice which he had given. His only object had been to point out this, and to admonish the House of Commons, that the course in which they had embarked was unwise and imprudent, and that it was better not to proceed with it. The charge might be considered a breach of privilege of the House of Commons, and the right rev. Prelate, to a certain extent, had admitted this. [The Bishop of *Exe-*

ter: "No, no!"] Well, this might be saved under a nice technicality, but it certainly contained a libel on certain Members of that Assembly. The right rev. Prelate had read this passage, and had alluded to the rights bestowed on Roman Catholics by the Emancipation Bill. He would not trouble their Lordships by referring to it again, but he thought if their Lordships read the charge, they would pronounce it as very strong, considering the persons by whom it was uttered, as very strong for the persons to whom it was delivered, as very strong for an address to the ministers of a diocese on such a solemn occasion—to parochial clergy, who, although they were excellent men, faithfully discharging their duty, and for whom he had very great respect, were rather to be tempered and restrained by their spiritual superior, than urged along by political violence and political zeal beyond that degree to which they had been already actuated. In his opinion, it would have been better for this matter not to have been taken up in the other House; and not to have been spoken of by the Attorney-General, but he would convey to that learned individual the communication committed to him by the right rev. Prelate. The right rev. Prelate had adverted to another topic, the meeting at Lichfield-house, and had read a speech of the late hon. Member for Tipperary, which gave a full account of it. That meeting was one attended by Members of the House of Commons, and what was agreed to then was a certain resolution relating to particular questions of Government. There was no secrecy in it; and as for the resolution itself, let its effect have been what it might, it was a meeting held to settle that, and nothing else; and if it had all the effect which the right rev. Prelate had attributed to it, he might be correct; but if, besides that, he said that there was an agreement on the one hand to give up the Irish church, he stated what was not the fact; and, indeed, in what he had said upon this subject altogether, he seemed to be entirely begging the question. The right rev. Prelate had said, that Roman Catholic Members were bound by their oath to do nothing to weaken the Protestant church; but in order to prove that they had done so, he should have proved that the measures for which they had voted had a tendency to that effect. The right rev. Prelate, during the discussion on the Roman Catholic Relief Bill, was not opposed to Roman Catholics enjoying the same privileges as their Protestant fellow-subjects, provided a proper security was given that they would not attempt to destroy or weaken the Protestant religion. Securities were thought of, several parties exercised their faculties to decide on the most satisfactory, and at length the oath introduced into the bill was agreed upon. Oaths were, in themselves, objectionable, —they embarrassed the minds of weak men, and disturbed the minds of scrupulous men, so that it became extremely difficult to fix on an interpretation admitted by all. If the establishment were in danger, oaths would not tend to its salvation. The Protestant reformation, in its commencement, was secured by the violation of oaths. Every alderman, every mayor, and every public officer, were sworn to put down the new opinions that were disseminated. In the reign of Henry the 5th, the Lord Chancellor, the judges, and the magistrates were sworn on oath to extirpate Lollards. Now, if the statute of Henry the 5th, enforcing that oath, were not repealed (of which history made no mention), all those officers had violated their oaths by countenancing the new opinions which they were sworn to put down. Supposing the Roman Catholics had violated their oaths, what remedy could be resorted to? He presumed the right rev. Prelate was not prepared to repeal the Act of 1829, that he was not anxious to withdraw those privileges conferred on the Roman Catholics by the Relief Bill, or to render the tests and oaths more stringent. Let the case be as it might, he felt convinced that it was impossible to place reliance exclusively on oaths or tests of any kind, but that the chief reliance should be on the honour and patriotism of individuals. In conclusion, he begged leave to say, that whatever language, whatever expressions or sentences, had been uttered out of doors, he could not stand forward in defence of those expressions; but this he would declare, that no measure had been proposed to Parliament on which the Roman Catholics were not entitled to vote, and could not have voted with the most perfect propriety.

The Bishop of *Llandaff* said, that the noble Lord had cited history as a precedent, but the perjury of former parties could not justify others in violating engagements which they had solemnly promised to fulfil. When the Roman Catholic Relief Bill was before Parliament, he had devoted the greatest attention to the subject, and had tried to bring his mind to the most calm consideration of a measure of so much importance. The result was, that he had agreed with the policy of admitting Roman Catholics into the Legislature, provided that ample security was given that they would not interfere with the Protestant religion or the interests of the Established Church. The oath introduced into the bill ought to be sufficiently binding to a man of conscience and integrity, but at the time he thought that one might have been proposed less subject to evasion. This opinion was mentioned to Sir R. Peel, on whom he looked as one of the best friends of the church, and one of the most able supporters of her religion and dignity; but the right hon. Baronet rejected the hint, as being an unworthy imputation on the principles of Roman Catholic gentlemen, and that the oath was sufficiently stringent. Many agreed in the views of the right hon. Baronet, and voted in favour of the bill. In the existing courtesy of society, people supposed that it was ill-mannerly to charge parties with perjury. Calumny, of course, was very reprehensible; but to charge a man with a crime was not a greater fault than the commission of one. Perjury, although a heinous offence against religion and against law, was frequently committed, and although no person should charge another, except on good grounds, with a crime that ought to exclude him from society, no one should, for a moment, hesitate publicly to denounce any party against whom the commission of such an offence could be substantiated. Every Roman Catholic was aware, that the meaning of the oath was to bind parties to a defence not only of the spiritual but of the temporal interests of the Established Church. In that sense the oath was administered, and it was well known that, without that security, the Roman Catholic Relief Bill would not have passed into a law. He did not name any parties that had violated the sanctity of an oath, but he had read a charge to his clergy similar to that delivered by his right rev. Brother (the Bishop of Exeter). It certainly did not possess the eloquence or masterly style of the latter, but its tendency and meaning were the same. He had felt it his duty to declare in that charge that several parties, foes to the Church, had maintained that they were not bound to act in accordance with the spirit of the oath they had taken, but according to their own interpretation of the words, and that if such a violation of principle were to be countenanced, society would cease to exist.

The Marquess of *Clanricarde* said, that his noble Friend (Lord Melbourne) had not quoted history to palliate the crime of perjury, but to show that when institutions were in danger, oaths would not insure their safety. The right rev. Prelate had begged the question, and assumed that there had been an infringement of the rights of the Established Church. Could such a charge be substantiated? Where was the proof? Certain oaths were imposed on the Roman Catholics, and the interpretation of those oaths was left to their own consciences. He would ask, was it intended that these oaths should now be interpreted by the Court of Queen's Bench, or some other tribunal? If so, a court would be established higher in its judicial authority than Parliament itself, and by which the proceedings of the latter would be controlled and checked. The right rev. Prelate had alluded to a certain compact; but he could not have thought that any person, particularly a right rev. Prelate, could have so mean an opinion, so low a view of society, as to suppose that a league had been entered into between the advisers of the Crown, and the Roman Catholics, for the purpose of overthrowing the Established Church. The noble Lord then said, that it was the opinion of all great legislators, that all British subjects should have equal rights and privileges, as long as they displayed allegiance to the Crown and anxiety to preserve the existing institutions of the country. It was under this feeling that the Roman Catholic Relief Bill was introduced on the responsibility of Government. It was not the result of compact between any parties. He thought it would be establishing a dangerous precedent to limit the duties or inquiries of legislators. An oath was given as security by the Roman Catholic Members, and their right to exercise their free and unfettered judgment on any political subject could not be disputed. The right rev. Prelate had said that all Roman Catholics who voted for the abolition of tithes, had been guilty of a violation of their pledge. He differed from the right rev. Prelate and thought that on that subject Roman Catholics had a right to exercise their conscientious judgment, and that they should not be fettered in their legislative functions as long as they could not be found guilty of any breach of allegiance to the Sovereign, who was the admitted head and sworn defender of the Church of England. For his own part, he had long felt that only one form of oath should be administered. He thought the declaration of faith was unnecessary, by any class of Christians. The oaths taken by parties entering Parliament were declaratory, not substantial, and he felt considerable pain when swearing that the mass was idolatrous, lest he might hurt the feelings of noble Lords in that House, who conscientiously differed from him in their mode of worshipping the Creator. In conclusion, he would repeat his opinion of the impolicy of putting any check to the free exercise of the judgment of any Member of Parliament.

The Earl of *Shrewsbury* said, the Roman Catholics had shown as little party bias in their legislative capacity, and had as high a sense of the obligations of an oath, as any Member of their Lordships' House. It was their respect for the sanctity of an oath that had so long excluded them from the legislative councils of the nation. For his own part, (and he was sure he spoke the sentiments of a large body of the Roman Catholics), he did not conceive that he was violating his oath in lending his support to certain measures introduced by the Ministers of the Crown. On the contrary, the only scruple he had in supporting those measures was, that he was giving stability to institutions in the utility or truth of which he did not conscientiously believe.

Lord *Wharncliffe* was understood to say, that he was far from asserting that there were not many Roman Catholics who would conscientiously object to support measures which had a direct tendency to weaken or injure the Established Church: but it was not to any such that the remarks of the right rev. Prelate had reference. It was well known—for, indeed, not only were no pains taken to disguise the fact, but it was openly avowed by many Roman Catholics—that they supported certain measures of the Government, because they believed they would tend to weaken and injure the Established Church. They looked, as had been said, upon such measures, as so many instalments, of what they considered they had a right to expect, and they looked forward to the time when they should see their views accomplished by the destruction of that Church; and when they asserted, that in thus acting they did not go contrary to the letter or spirit, of their oath, let it be recollected that it was not our (the Protestant) but their (the Roman Catholic) version of the oath which they gave. Those Roman Catholics, who, as members of the Legislature, had taken the oath and had openly avowed their support of measures which tended to destroy the Established Church in Ireland, would, in the judgment of any unbiassed persons, be considered as having acted contrary to the expressed and understood meaning of that oath. That, at least, was his opinion. As to the question whether it was worth while in the right rev. Prelate to take notice here of what occurred in another place, he would not say more, than that individually he thanked the right rev. Prelate for having given him the opportunity of stating his opinion on the subject, and that opinion was, that no person who took that oath could be justified in the course which some Roman Catholics had adopted with respect to the Irish Church. He would not say that any Roman Catholic noble Lord, or other member of the Legislature, who conscientiously believed that in supporting certain measures he was not injuring the Established Church, was liable to a charge of wilful violation of his oath, but the case was very different with those who held different language, and who openly professed that their object in supporting those measures was the injury of the Established Church.

Petition to lie on the table.

HOUSE OF COMMONS,

Thursday, March 1, 1838.

MINUTES.] Petitions presented. By Mr. F. BERKELEY, from Soap Manufacturers of Bristol, for a repeal of the duty on Soap.—By Lord ELIOT, from Saltash, in favour of the Municipal Boundaries Bill.—By Mr. RAIKES CURRIE, from the Working Men's Association of Northampton, for a mitigation of the sentence passed upon the Glasgow Cotton Spinners.—By Mr. W. WILLIAMS, from Carmarthen, in favour of Vote by Ballot.—By Sir W. BRABAZON, from the united parishes of Balla, Drum, and others in Mayo, against the Irish Poor-law Bill; from the Barony of Kilmain, in favour of Vote by Ballot.—By Mr. MAUNSELL, from the Guardians of a parish in Northamptonshire, that houses under the value of *5l.* may be rated to the Owners.—By Mr. R. Bethell, from a place in Yorkshire, against the continuance of Colonial Slavery.—By Sir C. Style, from places in the county of Donegal, for the total abolition of Tithes, for Municipal Reform, for Vote by Ballot, and Triennial Parliaments.—By Mr. Chalmers, from Arbroath, for the Amendment of the Irish Reform Act.—By Mr. M. N. W. Parker, from parishes in the county of Devon, against the Highway-rates Bill.—By Mr. Collier, from Plymouth, for the entire abolition of Slavery on the 1st of August next.—By Mr. Freshfield, from the Proctors in London and Westminster, for reform in the Post-Office.—By Mr. Mackinnon, from inhabitants of Lymington, against the Municipal Boundaries Bill.—By Mr. Ball, from Clonmell, for alteration in the Government measure of the Poor-laws for Ireland.—By Sir G. Grey, from Teignmouth, by Colonel Seale, from Bridport, by Mr. Labouchere, from Taunton, and from a Meeting of a Society of Friends, by Mr. Baines, from Halstead, by Mr. Greenaway, from Leominster, by Mr. Bethell, from a place in Yorkshire, and by Mr. Collier, from Plymouth, for the abolition of Negro Apprenticeship.—By Mr. E. B. Roche, from two parishes in Cork, for the total abolition of Tithes in Ireland, and for Corporate Reform.—By Mr. F. French, from the High Sheriff, and Grand Jury of the county of Roscommon, against the Irish Poor-law Bill.—By Mr. M. Attwood, for the reduction of the duty on Marine Insurances.—By Lord Dalmeny, from Kilmarnock, against further grants to the Church of Scotland.—By Mr. R. Struart, from Edinburgh, for the reduction of the rate of Postage, and the repeal of the Corn-laws.—By Mr. D. Browne, from a place in Mayo, against the Irish Poor-law Bill.—By Mr. O'Connell, several, for Vote by Ballot, Corporate Reform, extinction of Tithes, against the Irish Poor-law Bill; and from Cork, for a reduction of Postage.

SLAVE TRADE AND NAVAL OFFICERS.] Captain *Pechell* did not think on any other occasion he had ever risen with so much anxiety as that with which he now presented himself to the notice of the House, as in undertaking the responsibility of defending the characters of so many brave and gallant officers he must naturally feel his own incompetence as their advocate; but as their cause had truth and justice on its side, he confidently relied on the sympathy of the House in the course he proposed to pursue. He should, therefore, at once state, that the object of moving for certain returns relating to the slave trade, was to relieve the officers and seamen employed on the coast of Africa from the charge which had been made, of their having allowed sordid feelings and pecuniary motives to interfere with the discharge of their public and professional duties. And for this purpose he would confine his observations within those limits, and he would show that the officers and seamen had not merited the censure cast upon them; but on the contrary, that they had deserved well of their country. The right hon. Baronet opposite, now Member for Pembroke, appeared, by the shake of his head, to disapprove of what had just been said. He should have imagined that a late First Lord of the Admiralty would have felt inclined to have supported the character of the Naval Officers when they had been so cruelly attacked.

Sir *James Graham* intimated, that he had not meant to express any dissent.

Captain *Pechell* said, the bare suspicion of an inclination of the head of a late First Lord of the Admiralty was an awful circumstance—as the conduct of many officers serving during the right hon. Baronet's administration was now in question. The charge then complained of was, that in the suppression of the slave trade the Commanders of her Majesty's ships, with a view to their pecuniary interests, by their thirst for blood money, have permitted vessels to take in their cargoes of slaves instead of using their best endeavours to capture them before they entered the rivers on the coast of Africa,—in plain English, that her Majesty's ships had permitted the empty vessels to pass by unmolested, that they might afterwards bag them as a richer and fatter prize when returning loaded with slaves. This was a charge which the British Navy would not submit to, and which they threw back with indignation, and which he now repelled in as strong language as the usage of Parliament would permit,—the more so, as a cruel charge was wholly unnecessary to substantiate the case the noble and learned Lord desired to prove as to the necessity for suppressing that infamous and cruel traffic which all parties were so desirous to put down. The navy, therefore, considerthe charge as a gratuitous insult; and though the noble Lord who presides at the head of naval affairs has most kindly and honourably vindicated the character of the profession in another place, yet it is desired that some expression of this House should be manifested in favour of those who feel they have been so cruelly treated. It will therefore be necessary to explain the circumstances under which the cruisers are placed on the coast of Africa, and to remind the House that until January 1836, when the last treaty with Spain reached that part of the world, no vessel under the Spanish flag (although in every way equipped and provisioned) could be detained lawfully unless slaves were actually on board—and that no vessel with the flag of Portugal (even at this moment). could be detained unless under similar circumstances; consequently the difficulty is great, and the cruisers are baffled in every way by the extreme facility afforded at the Isles of St. Thomas and Cape de Verd, of changing the flags of Spain and the United States to that of Portugal. This could be effected for the small sum of 100 dollars. Therefore it is to be understood that only vessels bearing the Spanish flag can now be seized legally, although there may be clear proof of their being engaged in the traffic. For this want of jurisdiction, for this non-fulfilment of stipulations and treaties by foreign powers, have those brave officers been denounced by the gigantic force and the steam-frigate power of eloquence of the noble and eminent philanthropist, wholly setting aside their sufferings and privations by constant exposure in that horrid and pestilential climate. The commanders of the cruisers, under all their difficulties of want of jurisdiction, had exerted themselves in the discharge of their duty to the utmost, and had shewn by their zeal in putting down the slave traffic that they had frequently been put to great risk and expenses by detaining vessels that had all the usual articles on board for the reception of slaves, but which the mixed Courts at Havannah and Sierra Leone could not condemn for want of power under the several treaties with Spain and Portugal. From documents which he held in his hand, he would prove, that in the first six months of the promulgation of the equipment treaty, twenty vessels were condemned at Sierra Leone, seven of which only had slaves on board, and thirteen were what was termed empty. This would at once shew that the cruisers had not permitted the outward-bound slave vessels to pass by unmolested that they might be afterwards taken on their homeward voyage with a full cargo of slaves. For these empty vessels the captors did not receive one farthing, the proceeds being paid into court, and the moiety was transferred to the authorities of the nation to which the condemned vessel belonged. In such cases the commanders of her Majesty's ships were liable to expenses, as the prizes sometimes remained six months for trial. In the case of slaves being on board, by Act of Parliament the captors were entitled to 5*l.* per head; out of this sum one-eighth went to Greenwich Hospital, one-sixteenth to the flag officer in command, and agency expenses of condemnation and fees paid at the Treasury,—aye, fees at the Treasury. And here he would call upon the Chancellor of the Exchequer to remove such charges, and also to bring in a bill, or by order in council, to carry out the spirit of the treaties, by giving bounties to captors for the broken-up hulls and cargoes of the empty vessels taken under the equipment article. To prove further the zealous services of the cruizers, he could state, that the Charybdis, commanded by the gallant officer Lieut. Mercer, had, from January, 1836 to 1837, taken six vessels that were empty, and one with 449 slaves on board; and he trusted that the Board of Admiralty would mark their approval of that officer's conduct, by giving him the promotion he had so well earned. This officer had been eleven years on the coast of Africa, and was the only survivor of one of the surveying and exploring expeditions, and had completely lost his health. The Trinculo, captain Puget, had also been most active, and that officer had risked much by sending his boats to attack four armed vessels in the river Bonny, who were waiting for their cargoes of slaves; these vessels were cut out after a severe fight, when lieut. Tyron was taken prisoner and stripped naked by the Spaniards and blacks; and what will the House think would be the amount of prize-money to recompense the captors on such an occasion?—Why, the sum of 49*l.* 5*s.* 4*d.* was the actual moiety of the proceeds of these four broken-up vessels which the British Government shared with that of Spain, and which sum the Treasury have not yet provided for the captors. He could state many cases where the greatest gallantry had been shown in action against very superior forces on the coast of Africa, and which, if it had taken place during the time of war, would have sounded well in the *Gazette*; and it was due to the officers and seamen of H.M.S. Fair Rosamond and others, to state their heroic conduct. The noble Lord at the head of the Admiralty has shewn, that since Jan. 1836, when the Spanish treaty came into operation, thirty vessels had been taken, nineteen of which had been empty, thus showing that the naval officers had not been actuated by those motives which had been imputed to them, and that, at any rate, their thirst for what the noble Lord had termed "blood-money" had not prevented them from doing their duty in capturing vessels only equipped for the transport of slaves. He had much desired that the charges made by the noble Lord on the 29th of January should have been either qualified or removed; but, to his great surprise, on a subsequent occasion, viz., on the 20th of February, these charges were not only repeated, but, in his opinion, and in that of all his brother officers, they were most materially aggravated, and he would read to the House the passages in question, which by implication, was sufficient to give the greatest offence to the profession to which he had the honour to belong. It was in these words:—

> "The zeal of naval officers for the service had been much spoken of; there was a saying of Lord Thurlow, 'Far be it from me to utter anything against an officer in the public employ, either civil or military, for it will lay me open to hear his panegyric; no sooner was it said, that money was not without its charms, that the love of prize-money was kindred to the heart, than forth came a splendid panegyric on the exemplary character of the officers, that they were actuated only by noble feeling, that money had no power and no influence, and that nothing moved them but a sense of public duty; and the man who thought otherwise was designated as degraded and ignorant, and stupified, and had no knowledge of naval officers and naval duties."

Now he would leave it to the House to say, if the naval profession had not cause to complain. The insinuations were intelligible, and certainly no mistake, and, on the part of the navy, he repelled them; and feeling strongly on this occasion the great provocation the service had received, he could do no other than use the very words (by way of retort) which were applied to cast a slur upon the officers of her Majesty's cruisers. How dare any man accuse British officers of being fond of blood-money? How dare any man, without offering any proof whatever, to utter so slanderous and false an imputation? The navy had a just right to complain of these accusations, and also to expect this night a disavowal of such sentiments; and those hon. Members sitting below, who composed the Board of Admiralty, would undoubtedly seize the present opportunity, and thank him for having given them this occasion to pronounce their full and unqualified approbation of the faithful and honourable conduct of the officers, and their gallant services on the coast of Africa. The gallant Member concluded by moving for a return of all vessels captured under the late Spanish treaty by her Majesty's ships since Feb. 1836, distinguishing whether having slaves on board, or under the equipment article, to the latest date for which the same can be prepared, and stating the name of the vessel by which each was captured.

Mr. *Goring*, in seconding the motion, expressed his concurrence in what had fallen from the hon. and gallant officer in reference to what he considered a most uncalled-for and unjustifiable charge on the part of a certain noble Lord. He was, however, of the same opinion which he had last year expressed on this subject—namely, that they could not effectually put a stop to the slave trade until they constituted it an act of piracy, and resolved upon hanging at the yard-arm the commander of every slave trade vessel they could capture.

Sir *E. Codrington* regretted that any person in such a high station as the noble Lord who had attacked the naval officers elsewhere should indulge in such unjust and unfounded accusations. Some persons, however, were so much given to vituperation that they hardly knew or cared whom they attacked.

Mr. *C. Wood* had no objection to the return moved for by his gallant Friend. He was satisfied that there was not the slightest foundation for the attack that had been made elsewhere on the naval officers employed on the western coast of Africa. He was convinced that no officers of the navy could have been guilty of such disgraceful conduct as had been imputed to them. The statement that had been made elsewhere was altogether unwaranted by the facts of the case. Before the treaty with Spain, no officer could seize a vessel engaged in the slave trade unless it had slaves on board, and if they did so, they exposed themselves to the risk of heavy penalties. Under the treaty, however, vessels equipped in a particular manner were liable to seizure. He should feel the greatest pleasure in giving the return moved for, as it would show that the naval officers had manifested the greatest exertions to suppress the Spanish slave trade, and that those exertions had almost entirely put a stop to the infamous traffic under that flag. He had thought it only a matter of duty to bear testimony to the gallant conduct of the officers employed in seizing slave vessels on the pestilential coast of Africa.

Sir *Charles Adam* said, that he also felt himself bound to bear testimony to the statement of his hon. Friend, the Secretary for the Admiralty, as to the gallantry and zeal of the naval officers employed in the suppression of the slave trade on the coast of Africa.

Sir *Thomas Troubridge* observed, that a more unwarrantable attack had never been made at any place or time, on any body of men, than that which had been made elsewhere a few nights ago on the naval officers employed on the coast of Africa; and he deeply regretted that such an unguarded attack had come from such a high quarter. Nothing could exceed the gallantry, zeal, and disinterestedness, of the officers employed on the coast of Africa, in the suppression of the slave trade, and he trusted they would be rewarded as they deserved.

Captain *Pechell*, in reply, stated his sincere satisfaction at the manner in which the members of the Board of Admiralty had expressed their sentiments, and which would not fail of being most gratifying to the whole of the naval service. It would be very cheering to many of those whose relatives and connexions were now suffering on the pestilential coast of Africa. He held in his hand several letters of complaint from the widow, the wife, and the orphan of those who had fought and bled in the service. The honour of these officers was dear to them; many of them had no aristocratic influence to back them up; they had only their character, and the record of the number of captures, be they empty or be they loaded, to recommend them to the Admiralty for promotion; and it was hard upon them to have any censure cast upon them, and to have their claims disputed and set aside.

Motion agreed to.

POOR-LAWS.] Mr. *Blackstone* rose to move for a return of the number of union workhouses in England and Wales, used for the reception of parochial poor, since the passing of the new Poor-law Bill, specifying the parishes in which they are severally situate, and the number of parochial poor received into each; also the return of deaths which had taken place in each of such houses, specifying their ages and the causes of their decease. His object in moving for this return was, to direct the attention of the House to the mode of visiting workhouses, and to the dietary allowed in them. He was satisfied that the diet allowed in them was not sufficient for the support of an able-bodied labourer. During the severity of the winter, many labouring men who were unable to obtain employment, were compelled to take refuge in the union workhouses, but the diet was of such a low nature that they would be so much reduced that they would be unable to perform severe work when they came out of those places. This he knew to have been the case from what had occurred at Wallingford. Poor men had been driven into the workhouses from no fault of their own, and they there had only a sufficiency of food to maintain animal life. He was convinced that the low diet allowed in the workhouses, was likely to have the most prejudicial effect, as poor persons would rather plunder the property of their neighbours than be sent to the workhouses; as they knew that if they were sent to prison for theft they would have a better diet than in the workhouse. He was satisfied that the low dietary allowed in those places had already had the effect of increasing the amount of crime, as the returns at the assizes and the quarter sessions would show. He thought that the guardians of the poor should, under certain circumstances, have the power of increasing or altering the diet in the workhouses, as it was impossible that the commissioners could form so accurate a judgment in any case as those who were connected with the union. He trusted that before the end of the Session some hon. Gentleman would bring forward some short bill to allow the guardians of the poor to increase the diet in the workhouses in certain cases, provided in the mean time the Government did not take the matter up.

Mr. *Hume* would suggest to the hon. Member the propriety of making his return more comprehensive, as from the returns moved for, he would not be able to arrive at any conclusions. He would recommend him to add to his motion a return of the number of persons admitted at different periods into the workhouse, the periods of their continuing there, and also the number that had gone out in different periods.

Colonel *Sibthorp* wished to direct the attention of the House and of the noble Lord for the Home Department to a case that had appeared in the newspapers, which was a lamentable instance of the pernicious working of the new Poor-law

Act. He alluded to the case of Hannah Brown, a girl of the age of fifteen, who had been tried within the last few days at the Old Bailey for stealing a pair of boots. When called upon for her defence, she stated that she stole the boots to sell them to procure money to buy bread, as her mother and brothers and sisters were starving, as they had been refused relief by the Poor-law officers. The judge stated that he had directed inquiries to be made into the circumstances of the case, and found the statement of the girl to be true; and he sentenced her to only two days' imprisonment, and animadverted in strong terms on the cruelty of the guardians of the poor. He wished to know whether this statement were true or not; and if it were, he trusted that such facts would never occur again, and that the unfortunate poor would not be placed in such a situation as to compel them to steal to obtain the means of existence.

Lord *John Russell* should be glad if some time were given before the return was moved for, to see whether the information required could be readily obtained. He was not quite certain whether such returns could be given, and therefore hoped the hon. Member would postpone his motion for a few days. For his own part he had no objection to give any of the information that was required; but he thought, if what was now asked for was given, that other returns would be requisite to elucidate them; for instance, the time when the several workhouses were opened for the reception of the poor, the different periods when the death of the inmates occurred, and the causes of their deaths, arranged under different headings.

Motion postponed.

VENTILATION AND LIGHTING OF THE HOUSE.] Sir *Frederick Trench* begged to draw the attention of the House to a project which he was desirous to submit to the House for the abatement of a most annoying nuisance within the walls of Parliament. He had to offer an experiment for the better ventilation and lighting of that House, an object in which they were all interested as respected their comfort, their convenience, and their health. He had been given to understand that the project which had been tried for lighting the House by gas a short time since had failed, and that the whole of the expensive apparatus had been removed. A scientific gentleman, a Mr. Gye, had suggested a mode of producing a beautiful light in the House by an ingenious admixture of two gases in such exact proportions, that he (Sir Frederick Trench) though he was no philosopher, could easily divine, that if the exact proportion of these gases were not adjusted by some persons always on guard, who were philosophers, or if the person on duty fell asleep, or the adjustment of the two gases were to be disturbed by even the flapping of a stray bird's wing, the most unfortunate results might follow. If (said Sir Frederick) such an accident should, through these circumstances, or the negligence of these two philosophers, accompany this, Mr. Gye's, plan, you, Mr. Speaker, and this honourable House, would all be blown up together. The present mode of ventilating the House was open to great objection. The air was admitted from the floor through holes, over which a matting was spread. The air thus admitted, carried up into the atmosphere of the House great quantities of impalpable powder or dust, which being inhaled with the air, might affect the lungs of the most vigorous men in the House, whether the hon. Member for Kilkenny or for Finsbury, whose constant and assiduous attention to their duty at every hour on every night, particularly exposed them to the prejudicial consequences of such an unwholesome atmosphere, under which the hon. Member for Lymington, was now suffering. Dr. Birkbeck had proposed to procure a purer supply of air, by having two doors to the House instead of one. He had also applied for advice to Mr. Brande, and the result of all this consultation and consideration was his conviction that there was a very simple mode of ventilating and lighting the House much better. He would undertake that the experiment could be tried at the expense of no more than 10*l.* for two nights. He should propose to raise all the side lustres about four or five feet higher than they now were, and on a level with the two lights in front of the reporters' and strangers' galleries. To compensate for thus losing light by removing the lustres to a higher level, he would add the light of seventy more candles to the present light of 150 candles, and to procure a supply of fresh air, he would, after stopping up the holes now in the floor, open other holes in the side walls, about the height of eighteen inches above the heads of Members when standing near the wall. This he thought, could all be done for 10*l.* And if it were not an impertinence, he would offer to try the effect of it at his own proper cost and expense. He hardly knew whom to apply to with reference to the proposition he now made, whether to the House, to the Speaker, or to the board of works.

Mr. *Hume* asked if the effect of a strong current of air at the backs of the hon. Members would not be extremely disagreeable?

Sir *F. Trench* said, that it would not be cold air. He proposed to remove the matting from the floor of the House also, in order to let the air escape more freely.

Sir *G. Strickland* said, he had a very strong opinion upon the subject, and he did not think that the hon. and gallant Member had stated sufficient grounds to warrant the adoption of his plan. He approved of the present system of lighting and ventilating the House, and must confess that, under the former one, he had frequently found the air in the House a great inconvenience. Such was not the case at present, the House being very much improved in that respect, and also with reference to the facility of hearing. His opinion was, that Dr. Reid's operations had been in a very great degree, if not wholly, successful, and the present proposition was not called for. The gas experiment had proved very disagreeable—and, although many hon. Members complained of a great want of light in the House at present, he was of opinion that the introduction of a great blaze of light would be found still more so.

Mr. *Goulburn* agreed with the hon. Baronet who had just sat down. He thought the House was now both well lighted and well ventilated, and disapproved of anything being adopted which had a tendency to interfere with Dr. Reid's plan of ventilation.

Mr. *Pryme* said, that the present manner of lighting the House was very disagreeable to Members sitting in the galleries of the House, and he understood the plan of the hon. and gallant Member to refer not so much to the introduction of any very great blaze of light into the House as to the elevation of the present lustres.

Mr. *Warburton* hoped the House would persevere in the present system of ventilating the House—as well as oppose any proposition such as this for altering the manner of lighting it. The hearing was much facilitated at present, and he thought that the plan of the hon. and gallant Gentleman opposite would very much affect that facility.

The *Speaker* here submitted to Sir F. Trench whether it would be of any advantage to proceed further with the discussion?

Mr. *Wakley* expressed his opinion that many changes had been made with regard to the atmosphere of the House which were decidedly great improvements—the air being now almost as wholesome as any that could be produced. With respect to the proposition of the hon. and gallant Member relative to lighting the House, it might be an improvement, perhaps, upon the present system; but if the present cloth were to be removed from the floor of the House, and an oilcloth put down in its place, great inconvenience would be the consequence, for all the arrangements respecting sound in that House had been made in reference to that cloth. He had prescribed very frequently upon this subject, and had, in fact, commenced his prescriptions very early in the present Session—but they had, on that occasion, been so very positively rejected by the noble Lord the Home Secretary—and by 656 other ungrateful patients, that he did not feel disposed to offer any on the present occasion. He considered, however, every part of the proposition of the hon. and gallant Member, except, perhaps, that relating to the manner of lighting the House, to be very bad.

Lord *John Russell* suggested that the plan of the hon. and gallant Gentleman should be referred by him to the Chief Commissioner of Woods and Forests.

Sir *F. Trench* said he would prepare a plan, and lay it before Lord Duncannon.

Subject postponed.

COURTS OF QUARTER SESSION—COUNTY COURTS.] Lord *John Russell* said, he rose to bring under the consideration of the House an important measure, relating to the administration of justice in the courts of quarter session and in the other county courts in this country. There were several reasons why it was necessary that the attention of Parliament should be called to this subject, and that there should be some legislation with reference to it. One very obvious reason was, that very great changes had taken place in the law with regard to capital punishment.

For some years past those changes had been gradually occurring; but he more particularly referred to those more important alterations which were made in 1832 and during the last year. They had abolished capital punishment for offences that used to be deemed capital, and which used to come under the cognizance only of the judges. In order to show to the House the change of feeling that had taken place on this subject, he would contrast a speech made by a person of great eminence not many years ago with the actual facts of the last year with regard to capital punishment. The opinions of the eminent person to whom he alluded were those of Lord Chief Justice Ellenborough—a man of undoubtedly high legal attainments, and of most unsuspected integrity in administering justice in the court over which he presided for many years. It was known that Sir Samuel Romilly had proposed several measures for the mitigation of the severity of the criminal law. One of those measures related to the punishment for stealing *5s.* in a shop. That offence was at that time capital, and Lord Ellenborough, when that bill came into the House of Lords, spoke with reference to it in these terms:

> "My Lords, I think it necessary to state, that I never did cast any imputation, directly or indirectly, upon the motives of those who are the supporters of this Bill, when I intimated something like objection to what appeared to me to be a systematic plan for altering the criminal law of the land. What I meant, my Lords, was this—after having last year a Bill on our table which has made a most dangerous innovation on the criminal law of the country—having that followed up by another which is making equally as mischievous a progress—the same arguments applying to every law, and to every crime which has been applied to this—I want to know, my Lords, when we are to stop in this course of legislation? My Lords, if we suffer this Bill to pass we shall not know where to stand—we shall not know whether we are upon our heads or our feet. If you repeal the Act which inflicts the penalty of death for stealing to the value of five shillings in a shop, and suffer this Bill to pass into a law, you will be called upon next year, I have little doubt, to repeal the law which prescribes the penalty of death for stealing five shillings in a dwelling house, there being no person therein. A law, your Lordships must know, upon the severity of which, and the application of it, stands the security of every poor cottager who goes out to his daily labours. He, my Lords, can leave no one behind to watch his little dwelling, and dreserve it from the attack of lawless plunderers—confident in the protection of the laws of the land, he cheerfully pursues his daily labours, trusting that on his return home he shall find all his property safe and unmolested. Repeal this law and see the contrast—no man can trust himself for an hour out of doors without the most alarming apprehensions, that, on his return, every vestige of his property will be swept off by the hardened robber."*

Those were the terms in which a person of the undoubted talent and authority of Lord Ellenborough—those were the terms which he used but a few years ago in favour of allowing the law to take its course, for stealing to the amount of *5s.* in a shop. He sought not by this reference in any way to diminish the weight which attached to the name of that noble and learned Lord; indeed the opinions he quoted were stated to be those not of that noble and learned Lord alone, but of all the judges at that time; and his object was to show the great alteration whichin the course of a few years, had taken place as regarded the feeling entertained on this subject, and the changes that it was consequently necessary to make in the administration of justice. During last year not only was the punishment taken away which Lord Ellenborough thought so essential to the security, in the open day, of the property of every poor cottager, but it was enacted, without any difference of opinion, that even in the cases of burglary at night, where no violence was done or threatened, the penalty of death should not be inflicted. In point of fact, the number of persons capitally convicted had so much diminished during the last few years, that in 1831 there were fifty persons executed; in 1835 there were thirty-four; in 1836 there were seventeen; and in the last year there were only eight. That number of eight was probably a lower number than there would be in this year or in future years, but it showed a very extraordinary change in the manner in which the law had operated. He had taken the proportion which the number of persons executed bore to the population during the last few years, making his estimate according to the supposed annual increase of the population from 1821 to 1831, and he found the following result:—

Years.	Executed.	Population.
1831	1	267,000
1835	1	437,000
1836	1	832,000
1837	1	1,903,000

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* Hansard (Old Series),—Appendix, vol, xix, p. cxviii.

Without entering into an examination of the grounds on which, both in its theory and practice, the criminal law had been so much mitigated in its severity, he would observe that it was evident it could not have been left to a trial at a quarter sessions to decide with regard to the case of a person stealing *5s.* in a shop, when it was the opinion of the Lord Chief Justice and of the other judges that any conviction of that offence might be followed by the execution of the capital punishment. The gravity and importance of many of the offences brought before the quarter sessions were greatly changed by the act of last year, as well as by some other recent acts; and he did not know that at present there was any certain rule by which the cases to be tried at the quarter sessions could be distinguished from those which were to be tried at the assizes. The bill of last year provided that all offences which were capital previous to that enactment the quarter sessions should not try, but that they should be reserved for the assizes; those clauses, however, were struck out during the progress of the bill through the other House of Parliament; but it was at the same time stated that the whole subject required investigation, and that the attention of Parliament ought, as soon as possible, to be directed to it. He agreed that it ought, and feeling that there should be an enactment which should distinguish the cases to be tried by the judges from those which should be reserved to the quarter sessions, in the measure he proposed to introduce there would be a distinction drawn between those offences to be so tried by the quarter sessions from those to be reserved for the assizes. He did not think the distinction of the offences that now remained capital being left to the assizes would be satisfactory to the public, because, as they all knew, there were many of the offences that were capital no longer, that were of a very important and grave nature, and if the judges did not deal with them, it would probably be considered that they hardly gave that assistance in the administration of the criminal law which the judges of the land going the circuits and attending the assizes ought to be able to give. He would not now state the particular kind of offences that he proposed should be tried by the quarter sessions and by the judges. There was another important consideration which he thought established the necessity of the measure he was now introducing to their notice; it was the great number of persons who were now tried at the quarter sessions. He had before him a return of the numbers who were committed for trial at the different courts in the years 1835 and 1837; it was as follows:—

ASSIZE COURTS.

1835	3,408	1837	3,466

LOCAL COURTS.

1835	3,737	1837	4,027

CENTRAL CRIMINAL COURT.

1835	2,849	1837	3,075

But the numbers were at the

QUARTER SESSIONS COURTS.

1835	10,737	1837	13,044

It was obvious that the constitution of a court which had such a very great number of criminals, which tried not less than three times as many as were tried at the assizes, was of the utmost importance. Amongst the other changes lately made in the law was that which allowed prisoners the benefit of counsel in cases of felony. He considered that a very proper alteration, but it was one which it must be admitted placed the chairman of quarter sessions in what many had felt to be a painful and difficult position. Their situation was now undoubtedly closely connected with the administration of justice in our courts. It was impossible for the chairmen of quarter sessions to allow arguments to be raised by prisoners' counsel which might mislead the minds of the jury from the true merits of the case, or to take a false view of the nature of the offence, without calmly and plainly setting right those arguments of counsel in their summing-up to the jury. He mentioned these facts because while he showed the difficulty of the situation, he established this, that it imposed on the chairmen of quarter sessions the necessity of great readiness and considerable knowledge of the law, to obviate the inconveniences that the arguments of counsel might otherwise occasion. Another consideration to which he wished to call the attention of the House was the very long period of imprisonment suffered in the prisons of this country before trial. It appeared from a statement he had made out, the particulars of which he would not go into, that the average imprisonment of the prisoners under sentence, comprising only those sentenced to be imprisoned, not those sentenced to be transported, was 130 days; and the average term of the imprisonment before trial was forty-six days. Taking a considerable period of time, the number was 134,000 imprisoned for forty-six-days, and about 60,000 imprisoned for 130 days; so that in the prison there were four days passed by persons before trial, and but five days by persons who were undergoing their sentence. The average time was forty-six days, being about the period of six weeks. It appeared to him that these several instances established the necessity of their now taking into their consideration some improvement in the courts of quarter sessions. It was not fit, he thought, that there should be so many important cases (in former times reserved solely for the judges) brought under the consideration of those courts, or that so great a number as 12,000 or 13,000 cases a year should be left to them, or that there should be so long a period of imprisonment before trial, without some attempt on the part of Parliament to remedy the evil. His opinion was, that they ought to enact that the courts of quarter sessions should be, in all cases, held twice as often as they now were—that they should be held every six weeks instead of every three months; thus, that in every county in England there should be eight of those general sessions, as well as two assizes, making ten courts held for the trial of offenders in the course of the year. But he certainly did not think that the country could expect that the burdens thus imposed on those courts of quarter sessions, considering the importance of the trials and the number to be tried, could generally and for a much longer period of time be exercised by gentlemen who had not originally had any professional practice in the law. He did not mean, and he hoped he should not be understood, to say, that in the discharge of their functions, which certainly had come to be of far more importance than any that were formerly discharged in quarter sessions, they had shown incompetence; he did not put the measure on any such grounds; he had made no statement to prove any such case; but he thought it for the public convenience that there should be the means, if it were considered fit, of having a person of legal education to preside. He did not propose that this measure should take effect at first without the application of the magistrates attending the court of quarter sessions. He proposed that on an application from them notified to the Secretary of State, the crown should be empowered to appoint a barrister of seven years standing as chairman of such courts. He proposed to connect with this a further proposition, with respect to which he had had a great deal of communication with the Lord Chancellor, and his hon. and learned Friends, the Attorney and Solicitor General. When Lord Spencer was a Member of that House, and before he was in office, he brought forward, in three consecutive years, a measure for the improvement of the county courts. His object was, that suits for the amount of 10*l.* and under, should be tried before those courts, and that the courts should be rendered less expensive, less dilatory, and, altogether, more efficient for that purpose. The noble Lord's bill never passed into a law, and in 1827, a measure having a similar purpose was introduced by the right hon. Baronet opposite (Sir Robert Peel), who had then lately quitted office. His measure was founded on the same general principle with respect to the improvement of the courts, and the manner in which the cases were to be tried; the expense was to be little, the process was to be summary, and there was a power to summon not more than five persons to act as jurors. There was a difference, however, with regard to the judges who were to try these cases. In his noble Friend's measure, there were to be certain Commissioners as judges, named for certain counties. The proposition of the right hon. Baronet (Sir Robert Peel) was, that the sheriff should appoint a deputy or assessor who should act as the judge of the court. Now it did appear to her Majesty's Government that by adopting in part the principles of these two measures, and by combining the duties of presiding over the civil courts with the functions of the judges who were to act as the judges of the quarter sessions, the county courts might be rendered much more efficient than they had ever yet been. A sheriff, who was an annual officer, holding his office but for the year, would not be considered entitled to give, nor would it be proper that he should give, to any person of his nomination, a title to the situation of judge during his life or good behaviour. The inconveniences of such an arrangement were so obvious that he need not detail them. He thought it far better that the judges should be named by the Crown to hold the office for life or during good behaviour. So far his measure was in conformity with the proposals of the Commissioners appointed in 1834; they proposed judges of this kind; also that the large counties should be divided into different districts, and that the judges should sit in the various towns of the same county. He proposed a similar arrangement, namely, that when the magistrates thought it necessary that the county should be divided into districts, an application to that effect having been made and granted by the Crown, the judges should sit once in six weeks in each town of the county, every such town being the capital of the district. He thought, that under such an arrangement, there would be a very cheap and efficient administration of justice. Persons would not be obliged to be for three or four days at a considerable distance from their homes, and the expense of witnesses and others would be considerably lessened. His noble Friend, the Lord Chancellor, had a measure which he proposed to introduce into the other House of Parliament. His bill related to an act, which he thought was the 3rd and 4th of William 4th c. 32, and which provided for sending issues to be tried before the sheriff that did not go beyond 20*l.*; what the Lord Chancellor proposed, he believed, was, that the Courts of Westminster should have the power of sending issues to be tried in this manner to the extent of 50*l.* Where small counties were joined together, it might be possible for one person to perform these functions for more than one county. Perhaps that principle might he carried to a still greater extent; but experience, alone, would enable them to determine the matter. He expected that the fees of these courts for the recovery of debts would pay a great portion of the expenses of the judges and other officials, but he would say, that the county ought to pay out of the county rates, a certain sum for the remuneration of the chairman of the quarter sessions. Independently of this, however, he did not propose that any additional burthen should be imposed on the county. The calculations of the present expenses, taking into account the present expense both of keeping persons for a long time before trial, and of taking witnesses a great distance, had shown, that from 20,000*l.* to 30,000*l.* might be saved, that sum being now lost, and not for any advantage gained in the administration of justice, but merely for the delay of the administration of justice. He hoped, then, that this measure would improve the administration of justice very considerably, and without entailing on the country any great expense. There were other subjects connected with this, which would readily occur to hon. Gentlemen's minds, and on which, therefore, he would not enter at this moment, but he would avail himself of the opportunity to inform the House that he intended shortly to introduce a bill relating to the present state of the prisons. It was his wish to carry further some changes in our prison discipline, that were effected three years ago in consequence of the inquiries of a Committee of the other House; but in his endeavours to accomplish that object, he should like to have the benefit of the labour of a Select Committee of this House; he should, therefore, move the appointment of such a Committee, and hoped that some Gentlemen, who were well qualified, would assist him in amending the provisions of the measure to which he had adverted. He did not think it necessary to trouble the House any further at this time; he hoped there would be other occasions on which he should be able to communicate to the House some further improvements in the criminal law. He felt that the rapid alteration which had taken place, partly attributable to a change of manners, and partly to legislative enactments, required that we should do something to keep pace with that alteration, rather than endeavour to maintain our institutions exactly what they were in former times. He, in conclusion, begged to move for leave to bring in a bill for the improvement of the county courts of civil and criminal jurisdiction.

Mr. *Plumptre* did not rise for the purpose of offering any opposition to the introduction of the bill, which he was ready to say related to a subject of great importance, and might, perhaps, involve a great improvement in the law. He thought, however, that the question of the appointment of a paid barrister as presiding judge over these Courts, required much consideration. As far as his own experience of Quarter Sessions went, he must say that the law was well administered by the country gentlemen in the county, a part of which he had the honour to represent.

Mr. *Hawes* said, that the noble Lord was entitled to great praise for the many measures for the amendment of the law which he had brought forward. He thought that this was another measure for which the noble Lord was entitled to the gratitude of his country. He was glad to find, without meaning the slightest degree of disrespect to the magistracy of this country, that duties of such great importance as those connected with the administration of justice should in future be performed by persons professionally competent to the discharge of those duties. He thought that the improvements proposed by the noble Lord would tend to lighten the expense to the country, and at the same time to remove crime. He cordially supported the measure, with one single exception, and that, in his opinion, was one which was likely to obstruct the progress of the measure; he alluded to the provision which enacted that this measure should not be carried into effect except in cases where the magistrates applied for its introduction. He thought that if the measure was of real importance, if it effected great public good, and he would be surprised to hear this denied, in that case, he thought it desirable that it should be at once introduced and carried into operation generally. He would not oppose the bill, but he could not help expressing his regret that this provision formed a part of it.

Captain *Pechell* most cordially concurred with all that had fallen from the noble Lord. He begged to ask the noble Lord whether it was intended that the same judge should preside in the sheriffs' courts as at the Quarter Sessions? [Lord *J. Russell*—Yes, the same.] He hoped then that the bill would be made compulsory, and that its introduction would not be left to the discretion of the magistracy.

Mr. *Aglionby* rejoiced to find, that no opposition had been offered on any hand to this measure, and he rejoiced still more to find that the noble Lord in bringing forward this measure had offered to the House one of the greatest improvements ever contemplated in the administration of the laws of this country. But he was exceedingly anxious to know from the noble Lord whether he intended to limit the jurisdiction of this valuable court to cases of debts. He also wished to know whether the court would entertain questions of damages not being debts. The third class of cases respecting which he wished to ask was that of trials of ejectment in cases of property of small amount—whether these would come under the jurisdiction of the new courts? The hon. and learned Member concluded by expressing his objection to making the operation of the bill dependent on the discretion of the magistrates.

The *Attorney-General* merely rose for the purpose of answering the inquiries of his hon. and learned Friend the Member for Cockermouth. It was proposed to extend the operation of the court not merely to all cases of recovery of debts, but to all those cases which now might be decided in the county court. It was perfectly well known that the county courts, as now constituted, extended to almost all personal actions, and he hoped that all these actions would be brought before this court, where the damages did not exceed 10*l.* If this succeeded, then the jurisdiction might be extended. With respect to cases of ejectment, he saw no reason why they should not be included in the operation of the bill. In reply to what had been said on the propriety of making the bill compulsory, he thought that no one who was a sincere friend to the measure would press that point. It was perfectly certain that the bill was likely to be introduced generally and become popular, and he had no doubt that before two years had expired the measure would have become the universal system of England.

Colonel *Sibthorp* said, that those who professed a regard for the magistrates of England took a very odd way of affording a very practical manifestation of their regard for those gentlemen when they suggested that, instead of being left to their discretion to adopt the measure, they should have no discretion at all in the matter, but that the bill should be made compulsory. He thought this was by no means behaving well towards that useful body of gentlemen, who gave their valuable services gratuitously, and discharged them with no less advantage than satisfaction to the country. There was another point to which he objected—namely, the payment of the salaries of the officers under this Bill out of the county rates. This, he thought, would be found burthensome and unsatisfactory, He wished to call the attention of the hon. Gentleman to the fact that offences of a certain description against property had very much increased in the county with which he was connected. He particularly alluded to the crime of sheepstealing, which prevailed to a most alarming extent. Sheep were stolen in large numbers as many as 140 had been stolen at once, and found their way into the hands of butchers. This was a very serious offence, and one the recurrence and extension of which it was important to devise means to check.

Mr. *Handley* expressed his complete satisfaction with the measure. He flattered himself he was not saying too much, on the part of the payers of county-rates, when he said that they would not grudge paying the salaries under the bill in return for the great benefits in the administration of justice which would be conferred by it upon the country.

Mr. *Barneby* said, the House would perhaps be surprised to learn, that no fewer than 13,000 persons had been tried in the course of last year at the Quarter Sessions, there being an increase of 3,000 persons above the preceding year. This might, however, be in a great degree accounted for by the fact that additional sessions had been held in many places in pursuance of a recommendation of the judges of assize. The questions he rose to ask were, whether the paid chairman who was to be appointed to preside was to have a concurrent jurisdiction with the magistrates, or was to be considered as the recorder now was in cities and boroughs, and whether appeals against orders of removal, &c., were to be tried in this court?

Lord *J. Russell* said, the chairman was intended to act as chairman of the court, not as sole judge or recorder, and that appeals were to be tried before the Court.

Mr. *W. S. O'Brien* said, it was worthy of observation, that the Irish Members in the House were unanimous in support of this bill, some of the enactments of which were upon the model of what was already established in Ireland. He hoped that hon. Members would agree to copy still more the institutions of Ireland. Why not follow the example of Ireland, and give the court power to try cases of ejectment to the value of *50l.*? It was also well worthy of consideration, that the salaries of the assistant-barristers in Ireland were paid, not by the county, but out of the consolidated fund, and he hoped that, in justice to England, the Chairman of these courts would be placed upon the same footing, and paid out of the consolidated fund. He hoped, also, that the noble Lord would extend to England the principle that courts be held every six weeks, instead of every three months, as at present.

Mr. *Wodehouse* was perfectly certain that no person would grudge to pay the salaries under this bill out of the county-rates who was capable of judging of the improvement in the administration of the criminal justice of the country which would be effected by this bill.

Mr. *Gally Knight* could not, upon this occasion, deprive himself of the pleasure of expressing the great satisfaction which he felt at the measure brought in by the noble Lord. He sincerely hoped the noble Lord would not be deterred from the "permissive system," which was well calculated to recommend the bill to the country. There were one or two points, however in which he thought the bill defective, but these he would have an opportunity of considering more fully at a further stage of the bill. At present he might say, that when there were to be eight sessions held in the course of the year instead of only four, as at present, there was no necessity for setting a court entirely apart for the trial of debts. The business, it appeared to him, might be taken together in the same court.

The *Attorney-General* said, it was intended that the business should be done in the same court.

Mr. *Gally Knight.*—Then my objection ceases.

Lord *J. Russell* had now only to express his acknowledgments to the House for the manner in which it had been pleased to receive the bill. He trusted he should be able to have the bill printed and distributed some time before the next Quarter Sessions came on. It was not his intention to bring it on for further consideration before Easter, in order that in the mean time hon. Members might have an opportunity of maturely weighing its provisions, and making suggestions with a view to rendering the bill as effective as possible.

Leave given. Bill brought in and read a first time.

HOUSE OF LORDS,

Friday, March 2, 1838.

MINUTES.] Petitions presented. By the Earl of RADNOR, from Carlow, for the Ballot.—By the Earl of DEVON, from the Board of Guardians of the North Devon Union, for continuing the New Poor-law.—By Lord Ashburton, from Bristol, for Post-Office Reform.—By the Bishop of London, from Glocester, against any system of Education not conformable to the articles of the Church of England.—By Lord Lyndhurst, from Skinners and Glovers of Glasgow, against Combination.—By Lord Redesdale, from Shafton, and Kirby Lonsdale, and Lord Brougham, from Bath, Pontypool, a place in the county of Monmouth, Manchester, Basingstoke and its vicinity, from Falmouth, Carmarthen, and from a place in the North Riding of Yorkshire, for the abolition of Negro Slavery; from the Working Men's Association of Liverpool, and from the Western Division of Ladies' Shoemakers, for the mitigation of the sentence passed on the Glasgow Cotton Spinners; and from the prisoners confined for debt in the Gaol of St. Thomas the Apostle, Devon, in favour of the Bill for the abolition of Imprisonment for Debt; and from Evesham, in favour of a system of National Education.

The Slave Trade and Naval Officers.] Lord *Brougham* having presented several petitions for the abolition of slavery, said: It becomes now my painful duty to call your Lordships' attention to a topic intimately connected with the subject-matter of some of the petitions I have just presented, and I wish I could, by any means that appeared to me feasible, have been spared this painful necessity; because it is always painful to be obliged to charge any person filling a high situation, where equity and fairness ought to shine forth, and almost equally painful to charge others whose position is less eminent, with neglect of that duty which every man owes to his neighbour—I go no farther than that—but with respect to that duty which every man owes to his neighbour, namely, to ascertain the accuracy of the facts upon which any charge is founded before that charge be launched at the head of the individual to whom it is intended to apply. But if, in addition to a total want of the most ordinary attention for the purpose of ascertaining facts, it shall be found that these facts were not of a recent nature—that they were such as had passed before hundreds of this House—that the most universal circulation had been given to them through the medium of the newspapers, if, in addition to these ordinary means of information with respect to what passes here, which consists, first, of the presence of the Members of the other House; and, secondly, of the universal circulation given by the connivance of your Lordships to all that takes place here through the ordinary channels of information, the public newspapers—if, in addition to this, there have been very extraordinary means taken upon this important occasion with the view of preventing misconstruction—with the view of avoiding misunderstanding—with the express and avowed purpose, for it was avowed expressly and distinctly at the time, that these extraordinary means were resorted to for the purpose of making it utterly impossible to misrepresent what had been said, then I think I have a right, not only to complain that the ordinary course of justice has been departed from, but that a very extraordinary course, even extraordinary in the history of injustice, has been dictated by the zeal—(I call it by no other name, for I will not imitate the example I condemn)—but I have a right, I think, to complain that a course extraordinary even in the history of injustice has been adopted towards me—that course, as I conceive, having been dictated by the over-zeal of political partisanship. But that that political partisanship should leave the floor of the other House of Parliament—that it should not merely be found with all monstrous, all crawling, all unutterable things which move upon the level of the earth's surface, but should emerge above that atmosphere and be found to taint what ought to be purer regions, I confess may well appear to be so astounding by its unexpected novelty as hardly to obtain credit when stated. I proceed to mention those facts which will enable your Lordships to tell whether I have already too highly charged the picture, or whether I may have been led away by the zeal with which I regard everything connected with this important question to misconstrue or exaggerate the accounts I have received. It is not a matter of individual concern—it is not even a matter that concerns the decorum of the proceedings of the two Houses of Parliament; but it is a matter intimately connected with—twining itself, as it were, around the whole of that most important question involved in the subject of slavery and the African slave trade. For, if I had been guilty of exaggerations—as I once before demonstrated to your Lordships I had not, but was only chargeable with under statement—much more, if I had made my attack upon slave trading the vehicle of abuse unwarranted by fact, and, even if warranted by fact, the vehicle of exaggerated and exacerbated statements against the honourable and gallant men engaged in the naval service of this country—if I had done this, I should, as the advocate of the great cause of negro emancipation, as the person to whom the interests of that great cause are now mainly confided, as the party in whose hands it is now very much left by the country, and I am sorry to say by the Government; and, as I hope for the present only, by a great body of both Houses of Parliament—as the advocate of that great cause, had I been guilty of misstatement or exaggeration, I should have greatly damnified and have placed in much peril the cause which I support, and in which I feel so deep and strong an interest. Therefore it is, that I take the very earliest opportunity of repelling and of exposing, as I shall at once be enabled to do, the utter groundlessness of those charges which have been so thoughtlessly made. A gallant officer is reported in this day's paper —in the one at least which I have read— to have said in reference to a speech of mine, made in this House on the 20th of February last—the gallant officer is reported to have said, addressing the Chair in the other House of Parliament, and in speaking, of course, within the hearing of the Chairman, that a noble and learned person had very grossly misrepresented the conduct of the navy; and then the gallant officer is reported to have burst forth with this exclamation, "How did he dare to utter in the House of Lords such falsehoods?" That is what the gallant officer is reported to have said in so many words. I have read it this morning with my own eyes. I have represented it in a respectful note to the Speaker of the other House, who heard it. [Lord *Lyndhurst:* Had you any right to address the Speaker of the House of Commons?]—Have I no right to write a letter to a private gentleman? That, at least, is new in these days. Have I no right to write a letter? Had they a right, the one combining with the other, to charge me with an infamous offence? I say the one combining with the other—for he whose duty it was to stop such a charge upon the spot remained silent and quiescent. Have I, being so charged, no right to write a letter, because they belong to one House and I to another? I think, my Lords, I shall no longer hear that said either in this House or elsewhere. I wrote to the Speaker of the House of Commons—most respectfully I wrote to him—stating what it was that I understood had been uttered, namely, the words I have recited to your Lordships, and which I saw not only in the corner of the debate—not only in the columns of the newspaper which are devoted to the report of the debate, and in which I have no doubt they were set down word for word as they were uttered—but in other parts of the newspaper, where it was ostentatiously put forward that such a one had charged such a one with misrepresentation, and had employed towards him the two offensive words "dare" and "falsehood," which I have already recited to your Lordships in the passage of which I complain. Now the charge was —and upon this depends the accusation of falsehood which is brought against me —that I was said to have charged the navy with partaking of blood-money, according as blood-money is known to operate, and with having neglected and betrayed their duty as professional men, for the purpose of increasing their professional wages. What! if I never said anything of the kind? What! if all I said amounted to nothing even approaching it? What! if all I said was not only not like it—not even approaching to it—but had not one atom, one iota, one tittle of the charge which I am falsely represented has having made? What! if I said directly the reverse! What! if for the very purpose of preventing such foul misrepresentations I took the pains of stopping and twice over stating in terms that I did not accuse those hon. and gallant men of anything of the kind? What! if I said that it was the tendency alone of this head-money that I charged with being bad; stopping there, and distinctly and explicitly stating that I did not believe its evil tendency had operated upon the hon. and gallant men who were engaged to prevent the slave trade? But I do not stop here. What! if I took the pains to publish all this. What! if for the first time in my life my name is appended to that publication upon the slave trade? What! if I stated in the dedication of that publication to the Marquess Wellesley, that I then, for the first time, notwithstanding all the volumes I had written upon the subject of slavery and the slave trade, put my name to my work, and that I did so, in order the better to authenticate the words I used? What! if I did not stop there? What! if, the noble Lord at the head of the Admiralty having said in the course of the debate that I had charged the officers of the navy with this offence, I immediately got up and said, "Not so; I do not charge them with it; I expressly, and in terms said, that I did not charge them, and that it was the tendency only of the head-money, and not the effect of it, of which I complained as being most prejudicial to the interests of the cause I had at heart"? Perhaps those of your Lordships who have been into the country, or who have been prevented by indisposition from attending the proceedings of this House—perhaps, for instance, the noble and learned Lord (Plunket) near me, my much beloved and highly respected Friend, who has but very recently come over from the discharge of his duties at the head of the law in Ireland—perhaps he, not having been present to observe what has been passing here, may say, as he might very naturally say, "Oh! the whole matter is only of such recent occurrence that these parties, swift to condemn, but slow to inquire and unwilling to hear, have had no opportunity of reading the authenticated statement; the speech was made some time in February, and very probably it has only been published a few days, so that these persons have not had time to read it." What! if it has been published a month or more? The speech was made on the 29th of January. The whole month of February has elapsed, and I hold in my hand a copy of the speech, of which I believe, hundreds of thousands have been circulated in various forms over the whole country, and which being delivered on the 29th of January, was printed and published on the 2d of February. Then, upon the 1st of March, one calendar month afterwards, came the charge of my having said that of which I said the very reverse, and of which a month before I had taken the unusual pains of myself causing to be printed, an exact, accurate statement of the words I used. Does that printed speech contain anything offensive to the navy? I am not aware that I could speak more tenderly or more honourably of any class of men than I did in that speech of the officers of her Majesty's navy. I should have imagined that this must have been obvious to them all—to such of them at least as are by nature endowed with even the most moderate share of clear understanding—who have not a head bewildered and bepuzzled by the want of that common temper by which ordinary minds ever approach the discussion of questions of no extraordinary difficulty or complication. Except to such understandings as this it is difficult for me to conceive anything less offensive, anything less obnoxious than that which I am about to read, and which was taken as the ground of the charge of which I complain:—"I will not say that the cruisers having visited and inspected her would suffer her to pass onwards. I will not impute to gallant and honourable men a breach of duty, by asserting that, knowing a ship to have a guilty purpose, and aware that they had the power of proving this, they would voluntarily permit her to accomplish it." Is there anything in this language to justify the charge which is brought against me? Is there falsehood in this? But I proceed with the passage I have commenced:—"I will not even suggest that vessels are less closely watched on their route towards the coast than on their return from it. But I may at least affirm, without any fear of being contradicted, that the policy"—the policy—that was my argument, the tendency of the policy, not the effect of it—"that the policy which holds out a reward, not to the cruiser who stops such a ship and interrupts her on the way to the scene of her crimes, but to the cruiser who seizes her on her way back when full of slaves, gives and professes to give the cruiser an interest in letting her reach Africa, take in her cargo of slaves, and sail for America." I did not say that the officers engaged in the service yielded to the temptation thus held out to them—I merely observed that it gave them an interest in allowing the vessels employed in the slave trade to complete their cargoes before they were attacked and captured, and it was the giving of that interest that I condemned. How did I proceed?—"Moreover I may also affirm with perfect safety, that this policy is grounded upon the assumption that the cruiser will be influenced by the hope of the reward"—surely, a very rational argument—"in performing the service, else of what earthly use can it be to offer it? and, consequently, I am entitled to conclude that the offering this reward assumes"—assumes! by whom? not by me, but by those who offer the reward—"that the cruiser cares for the reward, and will let the slaver pass on unless she is laden with slaves. If this does not always happen, it is very certainly no fault of the policy which is framed upon such a preposterous principle. But I am not about to argue that any such consequences actually take place." I cannot conceive any thing more plain than that. Is there any ambiguity, any uncertainty, in the terms in which that last sentence is expressed? I confess it appears to me to be perfectly plain, perfectly intelligible." I am not about to argue that any such consequences actually took place. It may or may not be so in the result; but the "tendency"—your Lordships will perceive that I limited myself entirely to the "tendency," and made no reference to the "effect,"—"but the tendency of the system is plain." I then went on to speak of the analogy that in my mind existed between head-money and blood-money. The evil of blood-money is this—an evil which I particularly pointed as making it incomparably more odious—that it has a tendency to make innocent persons forfeit their lives by the act of those who want to get the blood-money. Speaking now in your Lordships' presence, who may have some recollection of what fell from me when I made the speech from which I am now quoting, it is hardly necessary for me to say, that I made no attempt whatever to attribute the desire for this odious blood-money to the officers of the British navy. Your Lordships may remember that I did the very contrary. In order to go on the outside of safety, and to prevent the possibility of any invidious remark being made upon me on the occasion, I went on to say, "That head-money produces all the effects of blood-money I certainly am not prepared to affirm; for the giving a reward to informers on capital conviction had the effect of engendering conspiracies to prosecute innocent men, as well as to prevent the guilty from being stopped in their career until their crimes had ripened into capital offences; and I have no conception that any attempt can be made to capture vessels not engaged in the trade; nor indeed could the head-money, from the nature of the thing, be obtained by any such means.* I also upon that occasion declared to your Lordships the authority upon which I founded my statement, and said that it was Mr. Laird's excellent work upon Africa that had originated my statement, that had caused me to bring it before your Lordships, and which would induce me to abide steadfastly by it until I had obtained full and complete relief for Africa and the suffering negro, and an utter extinction of that execrable and now universally deprecated and condemned trade, which none but men of confused understanding, and perverted judgment, would seek to perpetuate in any degree of its original enormity. I am very far from holding that the men who have made these charges against me have the slightest fellow-feeling in the world with those who would for ever keep alive the African slave trade. It is for the sake of defending the commanders of her Majesty's cruisers that they have come forward upon this occasion; and for the sake of defending the Government who resisted my motion. But it does not always happen that the persons for whom a voluntary defence is made by others are in the end indebted in any very great amount of gratitude to the volunteers by whom their cause has been supported; and when the cause of these hon. and gallant men, the officers of the Queen's cruisers, has been taken up by volunteers of great judgment and remarkable for no great skill in the conduct of affairs, it may happen to them to say, "Spare us from our friends—spare us your defence—leave us rather to the mercy of a fair and candid accuser." I own if I were an officer in the navy I should not feel myself bowed down to the very earth by the depth of my gratitude towards those who had volunteered such a defence for me. I should not feel the load of gratitude insupportable; in fact, I should not much thank them for forcing their defence upon me. I should rather think that they had placed themselves upon the wrong side, and that I had a claim upon them in consequence of the defence which they had chosen so injudiciously to undertake. For they have begotten suspicions in my mind that all is not right when I see men so over-zealous for one another—when I see men lose their temper in defending themselves or their friends—when I see them so touchy that they cannot stop to inquire—so hasty that they must needs look over the facts—so vehement in urging their defence that they will not even tarry to ascertain whether they were ever attacked or not—when I see them in this mingled state of feeling, with this want of judgment, this incapacity of reasoning, this loss of memory, this almost total dimness of sight, bodily as well as mental—when I see them thus coming forward, not waiting till a charge is made, but at once entering the arena of controversy, putting forward mighty charges, and supporting them by a fury of arms and storm of blows that no man may dare to encounter—when I see them carried off their legs by a too generous rivalry of over-zeal and want of judgment—over-zeal in an abundant degree, and want of judgment in an unnatural excess—when I see all this I cannot help surmising, I cannot shut my mind to the suspicion, that there is some sore place. When men wince so much—when they exhibit so many contortions and twistings at the bare idea of a charge, which charge has never been made against them—when they see phantoms of injuries, no injury having been committed upon them—when they have ghosts haunting them in their waking hours, and even in their senatorial position, where they are placed to discharge duties which some constituencies in some parts of the kingdom have been found to delegate to them from extraordinary confidence in their judgment, capacity, and skill—when I see all this I cannot help suspecting that perhaps after all there may be some ground of charge against them. To elucidate that point I shall conclude with a motion which, as I am informed, taking the best advice I could obtain upon the subject, will have the effect of proving whether the system of head-money has in fact produced the consequences which are to be apprehended from it. I am not the man to shrink or quail because hard words are applied to me—I am not the man to be put down when I have a duty to perform, because some persons, in the discharge of what, I suppose, they conceive to be their duty, foully and falsely charge me with saying that which I never uttered—I am not the man to be put down by any such management as that. Even if I find that the vehemence and rancour of the assault upon me have not been confined to the mists and exhalations which obfuscate the mind and clog the vision of ordinary men, but have reached that higher atmosphere where all should be serene—where all should be calm as Justice herself—where the equal scales of Justice should be held with an untremulous, fair, and determined hand (as in the other House there is a man appointed to hold those scales)—even if I find that higher and purer atmosphere defiled and tainted by the breath of a lower sphere, I will not be deterred. When I see the judgment so obscured—when I find the judgment so hopelessly bewildered that what passed eight-and-forty hours before has been as totally erased from the troubled tablets of the brain as if it had never happened at all—when I find the scales not only tremble in the hand of him appointed to hold them, but one of them absolutely kicking the beam, and that one not the Government scale, but the scale in which the impugners of the Government happen to sit—when I find that it is no want of authority which has occasioned this silence, this non-interruption, this unobstructive mood in that high quarter—when, on the contrary, I find that if ever a functionary of that House existed who had interfered more with the usages of the House, who had put down many debating practices, who had reversed and altered the whole of the right of the people to debate upon petitions, by exercising which right I gained all the greatest battles that the people have won during the last twenty years against corruption and impolicy—when I find this, then, indeed, I am led to ask how it happened that that which took place in the debate on the Tuesday or the Monday, in which not one word was used nor one allusion made as to what had passed in another House, in which the allusions that were made were of a nature the most absolutely indifferent, amounting to nothing more than a mere technical flaw in the forms of debate—I say, when I find this, I am led to ask how it happened that that vague allusion, that that technical informality, called down an instant stoppage—produced an instant interruption from the high quarter to which I have referred; whereas, upon a subsequent occasion, no hint, no sign, not even one faint and solitary cry of "order" escaped from the same quarter, when words the most uncalled for, the most unjust, the most disorderly, the most indecorous that in the whole course of my experience I ever heard of, were uttered in the presence and in the hearing of him whose duty it is, to preserve the decorum of debate? When I find all this occurring, then truly I cannot help feeling that there is something, if not altogether wrong, at least extremely awkward in this case, and that the sooner it is set right by inquiry the better. For which purpose I am about to conclude by moving for papers for the purpose of showing whether I was not precipitate in precluding all idea of charging the officers of the navy with being influenced by head-money—whether I did not go out of my way, not in the right direction, but in the wrong, when I spoke only of the tendency, not of the effect, of head-money,—when I limited myself to a discussion of the impolicy of the system, and carefully abstained from attributing any selfish motive to those who acted under it —whether, in short, the fact may not be (the very reverse of that which I stated) that the effect as well as the tendency of this head-money has been to induce the officers of cruisers to allow the lading of slave-vessels to be completed before they commenced the work of capture. I have been in communication with a very experienced naval officer, who understands this question well, and who tells me, that the object I have in view will be obtained if I can procure from the Government—1st, the dates of all captures of slave-ships for the last ten years; 2d, extracts from the logs of the capturing ships on the days before and the day after each capture; 3d, a return of all the other ships on the coast of Africa on the same day with the British ships stationed in cruising there; and 4th, the number of ships stationed on the east coast of Africa during the last ten years, specifying the years and the names of the ships.

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* See Hansard, vol. xl., p. 601.

The Earl of *Minto* said, that feeling the grave and serious consequences which might result from discord existing between the two Houses of Parliament, he could have wished that the present discussion had not taken place. Placed, however, as he was, he trusted their Lordships would permit him to say a few words. He did not rise to defend the language of which the noble and learned Lord who had just sat down, had complained, because, in his opinion, such language towards a member of their Lordships' House, was not such as ought to have been used. At the same time, placed as he was at the head of the Admiralty, he felt it was due to those gentlemen belonging to the naval service, and who had been employed on the coast of Africa, to state, that when the noble and learned Lord made the able speech in question, he did understand the noble and learned Lord to bring a charge — not a direct charge for the language was guarded—against those officers who had been and were employed on the coast of Africa, in suppressing the trade in slaves. He admitted the noble and learned Lord had not made a direct charge against those officers; but if a charge was not implied, then the noble and learned Lord's argument was no argument at all. If he had misunderstood the noble and learned Lord —if the noble and learned Lord said, that he had not intended to make any charge, then he would be bound to believe that he had attached a wrong meaning to the language the noble Lord had used. At the same time, however, he must say that his impression was, that the noble and learned Lord did object to head-money in consequence not only of the tendency which it had, but in consequence, also, of the effects which it had produced. He recollected one expression used by the noble and learned Lord which did strike him as inculpating the officers employed in the suppression of the slave trade, and which did, in his opinion, contain a grave and serious charge against those officers. The noble and learned Lord said, that while the slave ships were loading, her Majesty's cruisers, stationed on the coast to prevent the slave trade, carefully avoided going near the harbour or creek where the slavers were lying, and waiting till the cargo was got on board before attempting to make prize of the vessel, because unless the slaves were on board no head-money could be obtained. Such was his recollection of what the noble and learned Lord had said; but if the noble and learned Lord denied having used such language, then he should feel bound to acknowledge that his impression was wrong. If, however, he had stated correctly the words used by the noble and learned Lord, then he must say, that the expression which had been used, did convey a grave and serious charge against the officers of the navy, of neglect of duty. If the argument meant anything, it meant that those officers who were employed to prevent the traffic in slaves, grossly neglected that duty, and allowed that traffic to go on, to a certain extent, in order to secure some emolument in the shape of head-money. Certainly that was a charge to which no one could suppose those gallant men would patiently submit, and that such a charge was made by the noble and learned Lord was strongly impressed on his mind, more particularly as the noble and learned Lord had said, while speaking on the subject of head-money, that if no other expedient could be resorted to, the slave trade would never be put down. But let their Lordships look at the speech as printed under the authority of the noble and learned

Lord himself, and which the noble and learned Lord allowed contained the very language he had used. In that speech he found the following passage :—

"Let me remind you of the analogy which this head-money bears to what was, nearer home, called blood-money. That it produces all the effects of the latter I am certainly not prepared to affirm : for the giving reward to informers on capital conviction had the effect of engendering conspiracies to prosecute innocent men, as well as to prevent the guilty from being stopped in their career, until their crimes had ripened into capital offences, and I have no conception that any attempts can be made to capture vessels, not engaged in the trade, nor, indeed, could the head-money, from the nature of the thing, be obtained by any such means. But in the other part of the case the two things are precisely parallel, have the self-same tendency, and produce the same effects; for they both appeal to the same feelings and motives, putting in motion the same springs of human action. Under the old bounty system, no policeman had an interest in detecting and checking guilt until it reached a certain pitch of depravity; until the offences became capital, and their prosecutor could earn 40*l*., they were not worth attending to. The cant expression, but the significant one, is well known. 'He (the criminal) is not yet weight enough—he does not weigh his 40 pounds'—was the saying of those who cruised for head-money at the Old Bailey. And thus, lesser crimes were connived at by some—encouraged, nurtured, fostered in their growth by others—that they might attain the maturity which the law had in its justice and wisdom, said they must reach before it should be worth any one's while to stop the course of guilt. Left to itself, wickedness could scarcely fail to shoot up and ripen. As soon as he saw that time come, the policeman pounced upon his appointed prey, made his victim pay the penalty of the crime he had suffered, if not encouraged him to commit, and himself obtained the reward provided by the state for the patrons of capital felony. Such within the tropics is the tendency, and such are the effects of the head-money system."*

Now, he would ask if there was no charge conveyed in those expressions against the officers of her Majesty's navy—were they not charged with neglecting their duty in refusing to capture those slave ships until they had got their cargo of slaves on board? Such a charge the language certainly conveyed. But the noble and learned Lord went on to say :—

"The slave ship gains the African shores ; she there remains, unmolested by the land authorities, and unvisited by the sea ; the human cargo is prepared for her; the ties that knit relatives together are forcibly severed ; all the resources of force and of fraud, of sordid avarice and of savage intemperance, are exhausted to fill the human market; to prevent all this, nothing or next to nothing is attempted; the penalty has not as yet attached ; the slaves are not on board ; and head-money is not due; the vessel, to use the technical phrase, does not yet weigh enough ; let her ride at anchor till she reach her due standard of 5*l*. a-slave, and then she will be pursued ! Accordingly, the lading is completed, the cruiser keeps out of sight, and the pirate puts to sea. And now begin those horrors—those greater horrors—of which I am to speak, and which are the necessary consequences of the whole proceeding, considering with what kind of miscreants our cruisers have to deal."

Was there no charge then against the officers on the coast of Africa? It was possible he might be told, that he was too stupid to perceive the exact meaning of such language, that he was giving a colouring to the words of the noble and learned Lord, but he could put no construction on those expressions, except that the noble and learned Lord considered that but for the payment of head-money the officers of her Majesty's cruisers would have taken those slave vessels before they had got their cargo of slaves on board. The passages he had read were, in his opinion, calculated to wound the feelings of gallant and honourable men, and it was hardly to be supposed that they would allow such insinuations against their characters to pass without notice. He thought the noble and learned Lord had little cause to complain of overheated expressions or of warmth of feeling after the speech the noble and learned Lord had delivered—the speech which had been noticed in the other House, as that speech more than appeared to convey an insinuation that some of the officers employed on the African coast had neglected their duty for the sake of wretched gain. He was very far from saying that on the coast of Africa no officer had ever neglected his duty, but he was perfectly persuaded that if there had been mismanagement, that mismanagement had nothing to do with the question of head-money. He could further say—and he felt bound to state the fact—that ever since he had been at the head of the Admiralty he had been struck with the zeal and fidelity with which the officers on the coast of Africa, who were employed in a most fatiguing and disgusting service, discharged their duties; and while he had held his present office not one single complaint had been made against any one officer employed on that coast.

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* Hansard, vol. xl. 604.

Lord *Brougham* said, that if he were not aware that the noble Lord was perfectly incapable of anything of the kind he should have remarked that there were the strongest symptoms of a combination against him between those who had made the charge elsewhere and those who defended it there, because both parties fell into precisely the same mistake. The noble Lord had talked of his Parliamentary experience; it was not at any rate as great as his (Lord Brougham's). But the noble Lord upon that experience seemed to have come to the maxim. " Never mind a disclaimer." Now he contended that a disclaimer was always of the greatest possible weight and importance, because it showed precisely the object and intention of the person who employed it, and it was that which any fair and candid listener would take into account in weighing other parts of the speech, and would construe fairly and give full force to, when he came to any more strong, unguarded, and incautious expressions. When he had said, not in one, but in three or four sentences, that he did not charge the gallant officers in that service with any habitual violation of their duty—when afterwards he spoke of the tendency of the system—not of blood-money, which had been abolished, but of head-money—and then reasserted his disclaimers, could any man of candour or honesty say, that that disclaimer was not to be taken into account when he came to see what in some cases was the effect produced? The tendency of the system was general. It might be supposed that the effect would be general also. Had he ever said anything like that? No such thing. What he had said was, that it might produce the effect. The tendency of the system was to produce the effect in every one case, and to prevent any one slave ship ever being taken until she " weighed enough," and the captor would be entitled to head-money. That was its tendency. No thanks to the system that any one ship was ever taken without the slaves being aboard. He had gone out of his way twice over—anxiously, elaborately, and even prolixly—to guard himself against being supposed to say that that tendency always produced the bad effect. But he had said, and he did say, that every now and then it might produce, and he entertained no manner of doubt whatever that it did sometimes produce, the effect. Were men men? Were sailors no longer fallible creatures? Were they so far above the rest of the world that the worst possible motives being applied to them must be supposed incapable of producing in any single instance the worst possible effects? Why, the system itself was grounded upon the supposition that they would do more with head-money than without it. Did the navy mean to set itself up as a body exempt from all taint, and to sail on and run the rest of the world down with their infallibility flying at the mast head? He would venture to say that he entertained no such notion of their infallibility, and he did believe, that from time to time a few occasional instances did occur in which the evil effects of the system were seen, in violation of his duty by the officer employed in this service. Nothing, indeed, short of an absolute miracle could warrant the supposition that, the tendency being as he had stated, the effects were never produced. But this was no charge against the whole navy—this was no accusation of a general, sweeping, indiscriminate nature. This was no charge which ought to arouse the indignation of the whole service, from the most exalted officer who ever had a naval epaulette on his shoulder down to the youngest midshipman. It was a charge which any man might have made against the body to which he belonged without taking fire at it. It was merely saying, that the tendency of the system to evil might have produced evil in all cases; but, thanks to the conduct of their honourable and gallant officers, to whom the charge had been committed, it more frequently failed to produce than produced that evil. Now, if the noble Earl could not perceive the difference between a disclaimer which a speaker went out of his way to make and an observation made in the excitement of the moment, in the course of a long speech —if, in fact, for it came to that, he could not see the difference between the rule and the exception; or if, having seen it, he still persisted that there were just grounds for the indignation of officers of the navy, although, as the noble Lord said, perhaps the expression " uttering a daring falsehood," as applied to a Member of that House, might be too violent, he displayed as little acuteness in his arguments and in the conduct of his case as those whose counsel he had made himself had exhibited in committing the offence. And let him remind their Lordships that "falsehood" meant not only that which was unfounded in fact, but that he had stated that which was not true, knowing it, whilst he stated it, to be untrue. That was the meaning of falsehood—and with that he was charged. He had, however, given his authority—he had mentioned the names of Captain Laird and Mr. Oldfield, and stated, that with one he was acquainted, but not with the other. He had pointed to their works. He rested his statement on their authority. He wished only to say one single word as to the time that had elapsed. Was it wonderful—the noble Lord had asked—was it wonderful that those connected with the service should have felt great irritation under a charge of that nature, and should have rushed to the defence of the service, and even used somewhat strong and violent expressions? Not at all. But it was wonderful that, after having read that accusation on the 30th of January, and having then felt no irritation, and having lingered through the unruffled calm of one month, they should never have taken fire from that time until the 1st of March. Did the slow matches of the Admiralty burn so very tardily? Had they lighted the fusees? He had thought that stop-watches would have been necessary in order to count the seconds before it would be safe for any one to have ventured near the Admiralty after the fatal 29th of January. But, no; no such thing. The fusees had been lighted and had burnt for the whole of February. The light was applied to the train on the 29th of January; a month elapsed, and it only went off now, on the 1st of March and made that sort of phizzing, offensive explosion—not very clear—not very distinct, nor withal very terrific. Yes, the pot—he employed the technical term—had made that offensive explosion five weeks after the train had been lighted, and on the 1st of March resembling that month too by coming in like a lion, and resembling the other quadruped in its departure. He would see what was the result of his motion, and then he should be enabled to say whether he would withdraw his disclaimer or not. He had been guilty of no over-statements, but, on the contrary, had understated everything.

Viscount *Melbourne* said, that as the noble and learned Lord had introduced the present subject, he felt himself compelled to address a few observations to their Lordships respecting it. If, as the noble and learned Lord himself stated, the demonstration of extreme susceptibility, and the display of much vehemence, were proofs of something wrong, he could not help thinking that the noble and learned Lord had made himself liable to some suspicion of being in error on the present occasion. It was not his intention to enter at all into the discussion of the subject; but he could not help declaring that he partook in the opinion expressed by his noble Friend at the head of the Admiralty, that it was not surprising, considering the speech which the noble and learned Lord had delivered, and the expressions which he had used, that the gallant officers of the naval service, who were animated by nice and quick feelings of honour, should think that their profession had been subjected to grave imputations. He knew very well that the noble and learned Lord, as well as the authority to which the noble and learned Lord referred, disclaimed casting any imputations on the naval profession; and he (Lord Melbourne) was willing to give to both full credit for that disclaimer. At the same time he must say, that disclaimer was a little inconsistent with the expressions they had used, and with the arguments they had employed; and that it left their arguments on the subject without much force. The noble and learned Lord had, on the present occasion, not only remarked on what had taken place in the other House of Parliament, but had animadverted on the whole conduct of business in that place, and had made some observations on the conduct of a Gentleman who filled the highest situation in that assembly. The noble and learned Lord had said, that prejudice and violence did not alone mantle on the floor of that House, but that they ascended to higher regions, and corrupted the purity and tarnished the impartiality which ought to prevail there. The noble and learned Lord expressed his surprise that the discussion to which he had alluded should have been allowed to pass off without one observation being made on the impropriety of alluding to that which had passed in another House of Parliament. But the noble and learned Lord seemed to forget that he had, by the printed pamphlet containing his speech, himself furnished full opportunity to any Member of the House of Commons of entering into the consideration of his statements without any breach of privilege. He had not read the report of the proceedings in the other House to which the noble and learned Lord had alluded; but he had such confidence in the ability, justice, and impartiality of the individual who presided over that assembly, that he felt perfectly certain and assured that there could be no ground nor reason for the imputations cast on his conduct. He felt perfectly certain that the deliberations to which the noble and learned Lord had alluded must have been conducted according to the rules and forms of Parliament, and that the right hon. Gentleman who occupied the chair held the scales on that occasion with perfect exactness and just equipoise.

The Duke of *Wellington* said, that he wished to state what he believed to be a fact. In many instances the officers of her Majesty's navy, having captured a vessel, and the question having been carried into Court had been compelled to pay very considerable costs in consequence of failing to produce the requisite evidence to establish the illegality of the traffic carried on by the captured vessel. It was important that they should have some information of that description before them, and although he did not know exactly the form in which the motion should be framed, he would on Monday move for some account of that description of expenses.

The Earl of *Minto* said, that the information was important, and there could be no objection to producing it.

The returns moved for by Lord Brougham were then ordered.

HOUSE OF COMMONS,

Friday, March 2, 1838.

Minutes.] Petitions presented. By Mr. Crawford, from London, Bangor, Carnarvon, and Barnstaple, for a reduction of the duty on Marine Insurances.—By Mr. Winnington, from Bewdley, in favour of Vote by Ballot.—By Mr. Hastie, from Paisley, for the repeal of the Corn-laws, and the reduction of the duty on Raw Cotton.—By Mr. E. R. Rice, from certain Magistrates of East Kent, complaining of the New Poor-law.—By Mr. Cayley, several from places in Wales, by Mr. Pease, from Bath, and from Stockton-upon-Tees, by Mr. Winnington, from Bewdley, by Lord Ebrington, from Okehampton, and from a Dissenting Congregation of Reading, by Sir William Follett, from Exeter, by Mr. J. Parker, from Sheffield, and by Mr. Buller, from Leek (Staffordshire), for the abolition of Negro Slavery.—By Sir R. Bateson, from a parish in Down, against Poor-laws for Ireland.—By Mr. R. Ferguson, from Kirkaldy, praying that the *Commercial Advertiser* might be put upon the same footing as *Lloyd's List.*—By Mr. Packe, from Leicestershire, against the New Poor-laws.—By Mr. Leader, from London Shoemakers, for a commutation of the sentence passed on the Glasgow Cotton Spinners; from Tiverton, for a reform of the Reform Act.—By Mr. Plumptre, from Derby, against Pluralities in the Church.—By the Attorney-General, from his Royal Highness the Duke of Sussex, the Earl of Aberdeen, Sir M. Shee, and others, the Trustees of Sir J. Soane's Museum, against sending that Museum to the British Museum, and the National Gallery.—By Mr. Divett, from Exeter, for the equalization of the Land-tax.—By Mr. Cayley, from Abergavenny, against the Rating of Tenements Bill.—By Mr. Smith O'Brien, from Beverley, for an improvement in the condition of the Negroes in the West India Islands; from the parish of Knockneady, in the county of Limerick, for Corporate Reform, the abolition of Tithes, and Vote by Ballot; and from Pallas Green, Limerick, in favour of Corporate Reform, Short Parliaments, and Vote by Ballot.—By Mr. Goulburn, from the University of Cambridge, against the suppression of the Bishopric of Sodor and Man.—By Mr. Hume, from Brentford, in favour of the Ballot.—By Lord Henniker, from Leicester, for an Amendment in the system of levying County-rates.—By Mr. Hodges, from several Post-masters, praying for a duty on Steam Carriages; and from Chard, for the Vote by Ballot.—By Mr. Divett, from Exeter, for the Equalization of the Land-tax.—By Mr. Wallace, from Tynemouth, Oxford, Dawlish, Holt, and the Mechanics' and Apprentices' Library at Liverpool, for a reduction of Postage.—By Mr. Sergeant Jackson, from different parts of Ireland, against a Poor-law for Ireland; and from Bandon Bridge, against the present Education system in Ireland.

Slave Trade.—Naval Officers.] Captain *Pechell* said, that this House had always extended its indulgence to hon. Members who desired to explain any circumstances or any observations which they might have made, and he had now to call for their indulgence. He had received a communication that morning from a noble and learned Lord in the other House, who complained of certain observations which he had made on the previous evening in that House with reference to a motion he had made on the subject of the capture of slave vessels. Reports of what he had said had appeared that morning in the newspapers, and he had seen *The Times*, and *The Morning Chronicle;* but in neither of them did he see any thing attributed to him which he did not utter, or anything with which he could at all find fault. The noble and learned Lord had sent to him the authentic copy of his speech delivered in the House of Lords on the 29th of January, which he had read, and he must say that he saw nothing which could induce him to retract. The defence of his brother officers had been founded on the speech of the noble Lord which had been published in the newspapers; and he must say that, if the noble and learned Lord had made that speech, all he had said was perfectly justifiable. He had not been bred to the law, and he was no special pleader, and in this instance he did not wish to employ any mental reservation; but if he had in the heat of debate used any expressions which ought to be withdrawn, he was most willing to abide by the decision of the Speaker or of the House on the subject: but he believed that he was not frequently led into the use of warm language, and he was, besides, quite sure that if he had said any thing improper he should have been at once called to order. The noble Lord had given notice of his intention to bring the matter before the House of Lords that evening; but he thought, nevertheless, that nothing had fallen from him which he ought to retract.

Sir *E. Codrington* said, that he too had received a communication from the noble and learned Lord, together with a pamphlet, in which the expressions used were even stronger and more offensive than than those to which he had alluded last night. The pamphlet suggested the cases of officers of the navy looking for head-money to be similar to those of police constables who waited until a person had committed a crime before they attempted to take him, saying that he was "not heavy enough," when they might have prevented the offence, and that they must wait until he was "worth 40*l.*" He thought the pamphlet of the noble Lord confirmed all he had said, and he saw no necessity for him to withdraw or explain any thing that had fallen from him.

OATHS TAKEN OF CATHOLIC MEMBERS.] Mr. *Langdale* said, that he hoped the courtesy of the House would permit him to bring under their consideration a subject which principally related to himself. A report had appeared in the public press of what took place, he would not say where, in which his name had been mentioned—in which his conduct had been brought forward, and from which it would appear that he had attracted an amount of censure under which it was impossible that he should rest, without, at least, taking some notice of it. He trusted, under these circumstances, to the courtesy of the House to allow him to say a few words in his own defence and vindication, the more especially when the attack made upon him related to the regard he paid, or was supposed not to pay, to the solemn obligation of an oath. In the reported speech where the censure he referred to was pronounced against him, it was stated that the best criterion of the meaning and intention of the oath was to be collected from the *animus* with which the promoters of the Catholic Relief Bill brought that measure forward. Now, as it appeared to him, that *animus* was to be ascertained, not from any views that might at present be taken of that subject by the noble Lords and right hon. Gentlemen who were concerned in passing that bill, but from the sentiments expressed by them at the time. Let it be seen what the Ministers of that day said on the subject. If they saw what the bearings of the question were, then they could now come to some conclusion as to what were the views of the Parliament of that day respecting the sense in which the oaths of the Members of that House were to be taken. The first notice of this subject he found was to this effect—that the oath was not to be considered as applicable to the Catholic in his legislative capacity, as the Speaker said, "that other, better, and more favourable notion was formed by an hon. Gentleman (as by courtesy he was styled), the brother of a noble Lord, he meant the hon. Mr. Langdale." For his own part, he was willing that the oath should be interpreted according to one criterion—namely, the *animus* with which it was introduced. The right hon. Baronet, whom he was glad to see opposite, introduced the bill with certain observations. He said, that if the measure were to be adopted by the Catholics, it would be in the sense in which he proposed it to the House. He would read from "Hansard's Debates" that part of the hon. Baronet's speech which especially referred to the Roman Catholics being in Parliament. The right hon. Baronet alluded to a motion made by Mr. Wilmot Horton. He (Mr. Langdale) would mention that the right rev. Prelate must have been aware of this before he alluded to it, yet he said it did not apply to the matter. The House would see whether it did or not. The right hon. Baronet said—

> "Another proposal has been made, by a right hon. Friend of mine (Mr. Wilmot Horton), made from the best motives, and supported with an ingenuity, ability, and research, worthy of the motives and of the character of its author. My right hon. Friend has proposed, with a view to calm the suspicions and fears of those who object to the admission of Roman Catholics to Parliament, that the Roman Catholic Member should be disqualified by law from voting on matters relating, directly or indirectly, to the interests of the Established Church. There appear to me numerous and cogent objections to this proposal. In the first place, it is dangerous to establish the precedent of limiting by law the discretion by which

the duties and functions of a Member of Parliament are to be exercised. In the second, it is difficult to define beforehand what are the questions which affect the interests of the Church. A question which has no immediate apparent connexion with the Church, might have a practical bearing upon its welfare ten times more important than another question which might appear directly to concern it. Thirdly, by excluding the Roman Catholic from giving his individual vote, you do little to diminish his real influence, if you leave him the power of speaking, of biassing the judgments of others on the question on which he is not himself to vote; and if, by a jealous and distrusting, but ineffectual precaution, you tempt him to exercise to your prejudice the remaining power of which you cannot, or do not, propose to deprive him. I believe there is more of real security in confidence, than in avowed mistrust and suspicion, unaccompanied by effectual guards. For these reasons, I am unwilling to deprive the Roman Catholic Member of either House of Parliament of any privilege of free discussion, and free exercise of judgment, which belongs to other Members of the Legislature."*

Such was the language held by the right hon. Baronet, as the Minister of the Crown, in bringing forward the great measure of Catholic relief. Now, he (Mr. Langdale) would ask if language such as that were for the first time heard there, would not the natural and necessary inference be, that in taking the oath, he did so with the full power to exercise his discretion as to its interpretation? There was one other point to which he wished to draw the attention of the House, and it was one point only. It appeared by the reports of the debates that after the introduction of the bill, an argument had been raised in the Committee on the subject of the Roman Catholic's right to vote on a question of the entire subversion of the Church; and Sir C. Wetherell, in replying to this had given his opinion of the oath. Let the House see the opinion of Sir Charles Wetherell, delivered on the third reading of the bill.

The *Speaker* asked the hon. Member if it was his intention to submit a motion to the House? He had not yet mentioned any, and it was extremely inconvenient, as there was no motion before the House, to proceed with a subject which might lead to a protracted debate.

Mr. *Langdale* would, then, conclude with a motion, but he thought it extremely hard and painful to a Member if he were not allowed to justify himself when a direct charge was made against him. If a general charge were made as general charges had been, however painful it might be, he would not notice it; but when he was brought before the public by name—when his opinions were controverted, when they had not been fairly stated, it was a little hard that this attack should be circulated round the country, that he should not be allowed in his place in that House to vindicate himself. He would not detain the House for any length of time. He had been comprehended in a grand sweeping charge of perjury; and if even there were an occasion in which a Member should be allowed to justify himself against the charge, it was when the House had so recently recorded on its journals, that the charge of perjury was of so painful a nature, that the Speaker had been ordered to reprimand the person who made it. What was the opinion of Sir Charles Wetherell on this subject? He referred to some notice of motion of the hon. Members for Colchester and Montrose, for what was deemed the actual destruction of the Church, and what was his argument upon it? "Do you mean to tell me the Catholic would be acting against his Parliamentary oath if he sanctioned such a measure?" This was the recorded opinion of Sir Charles Wetherell. The second accusation in which his (Mr. Langdale's) name had been mentioned by the right rev. Prelate was in these words: "But there was another mode of construing the oath imposed by the Catholic Relief Act. It had been assimilated to the declaration made upon taking office, which was binding upon all Protestants. This, he believed, was also a notion of Mr. Langdale, who referred to the obligation which all Ministers were under upon taking office to declare that they would not exercise their influence to weaken the Established Church." Now, he did state this also, and he believed that it was a very statesmanlike view to take of the matter. It was only in the preceding year that the Dissenters' grievances had been redressed, and he (Mr. Langdale) thought that the right hon. Baronet had stated that the oath which was right for the Dissenters in one instance was to be recorded by the Catholic in the other. It was true that it was called an oath in one instance; but the words of the Dissenters' declaration were nearly similar; they were

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* Hansard (New Series), vol. xx, p. 758.

—"I do solemnly and sincerely, in the presence of God, profess, testify and declare that I will never exercise any authority or influence to injure the Church as established by law in England, or (and here the declaration went much further than the oath) to disturb the said Church, or the bishops or clergy under their charge, in the rights to which they may be entitled." Did the right rev. Prelate deny the right of voting on Irish Church matters to the Dissenters? He wondered whether the hon. Gentlemen opposite would support him in such a denial if he ventured to make it? But the right rev. Prelate would say, that they were only pledged to support the Church of England, and that the words did not extend to Ireland. The right rev. Prelate had said—"But Mr. Langdale did not advert to one particular, which was of great importance to his argument. It was this: that the declaration he referred to was expressly limited to England, and had no application whatever to Ireland. Their Lordships very well knew that the declaration, as far as it went, only bound the party making it to preserve the Church as it was now established in England. It did not bind the party making it to any peculiar tenderness towards the Church in Ireland." He (Mr. Langdale) would like to know whether it had not been represented, Session after Session, that what affected the Church of Ireland affected the Church of England also, and that what injured one injured the other also? And when the right rev. Prelate ended with preferring a charge of perjury against some of his fellow subjects, the rev. Prelate appeared to him to be endeavouring to get rid of the weight of the argument by a subterfuge which was unworthy the Established Church. It was admitted, then, that the declaration was binding as against alterations in the Church of England; but here he met the right rev. Prelate—if they were not to meddle with the Church of England they were in the same boat. Had there been nothing done to affect the Church Establishment in England? Had there been no alteration with respect to that church? There had been a diminution of bishoprics; there had been an alteration in the see of Chester. The suppression of some sees had been recommended by the heads of the Church itself, and the temporalities of the Church had been taken away; and all this had been done by men who, according to the right rev. Prelate, were as much bound by their oaths with regard to England as was any Roman Catholic. Were these accusations, however, new to them? Was this the first time that they had heard any charges about being bound by oaths? What was the case during the reign of George 3rd. with regard to the coronation oath and the relief of the Roman Catholics? George 4th. did concede the Roman Catholic claims, and either did or did not violate that oath. If Catholic Members were bound, was not the King bound by his coronation oath? The King swore by that oath "to preserve to the Bishops and clergy of this realm"—let the House remark that the word realm generally, and not England only, was used —"and to the Church committed to their charge all such rights and privileges as shall appertain to them." The right hon. Baronet the Member for the University of Oxford had said in his place that it was a mockery to talk of Roman Catholics violating their oaths if the King could do this. It was so. On this point the right hon. Baronet was perfectly consistent when he maintained the same doctrine with regard to the Roman Catholics which he had held respecting the King. George 3rd would not sanction the claims; but George 4th did what a learned Member of the bar said he could not do without violating an oath. William 4th did the same; and an hon. Member had got up in the House and said that if he did it he would violate his oath. Were not hundreds accused of perjury under the same circumstances? The archbishop of Canterbury had sanctioned some of the changes referred to, and was he to be drawn before the public and to be at once charged with the violation of an oath? Was it not proper that each should be allowed to put his own individual interpretation on his oath, and to vote fairly according to what he in his conscience believed to be right? He (Mr. Langdale) would not detain the House longer. He hoped that he was not in the habit of using strong language towards any individual; if he were shown to have used an offensive word towards the highest or the lowest person, he would be the first to retract it; but he would be wanting in the feelings of a man if, when a question of this sort was brought forward—when he was publicly pointed at by name with having violated his oath, he did not refute it. He thought that he was called upon, in justice to his own character—which was as dear to him as was the right rev. Prelate's and as well as to those whom he represented—for, if the accusation were true, he would be unworthy of the confidence of his constituents to make the observations which he had done; and he considered that he had not trespassed unnecessarily upon the attention of the House. He regretted that charges of this description had been made by the individual—by any individual; but when they came from a person whose sacred character ought to be a pattern of charity to all, he must say, that he thought it indeed derogatory to the dignity which he should sustain. He bore willing testimony to the zeal and to the high character of many of the Prelates presiding over the Established Church. He might, as he did, conscientiously differ from them on religious points; but knowing some of them in private life, he must say, that there was nothing in their character generally which did not produce in him the greatest respect; but when he found a right rev. Prelate raking up accusations the most painful, he almost blushed to bring them before the House. The answer to the charge was, that the Roman Catholics had been for years and years, through their respect for an oath, excluded from Parliament. The right reverend Prelate denied this, by saying that there were certain oaths which a Roman Catholic did not dare to swear; he did not dare to swear his disbelief of transubstantiation, and that he dare not abjure his religion, but that, with respect to anything else, there was nothing to exclude him, and that the only merit of the special oath was, that it contained a disbelief of transubstantiation. But what he (Mr. Langdale) had said before, he repeated, that the Catholics were conscientious in refusing the oath, and bore grievous disabilities on account of their unanimous feelings. The accusation which had been made against him, was in effect, that he had been guilty of "treachery aggravated by perjury," and he must say, that, considering the charge, and considering the individual, he could designate it by no other title than as "a falsehood aggravated by duplicity."

The *Speaker*: I suppose the hon. Member imputes falsehood to the arguments.

Mr. *Langdale*: Of course. The hon. Member then moved that *The Morning Post* of the 2d March should be laid on the table of the House. The word falsehood he had used to show his utter detestation of the charge of perjury brought against him and others, and he had not the slightest intention of applying it personally.

Sir *E. B. Sugden* felt bound to say a few words, in consequence of having been present when the right rev. Prelate made the observations alluded to. He could assure the hon. Member, from what he heard himself, that his impression was—that his own impression of the words was, that the expressions were used with marked and real courtesy towards the hon. Member. He must state that the hon. Gentleman had fallen—

The *Speaker* thought that there should be some substantive motion before the House. The hon. Member had thought it necessary to enter upon some explanation, which the House had consented to hear, but if the matter were to be prosecuted further, they ought to have some substantive motion before the House.

The *Attorney-General*: If it had not been for the observations which had fallen from the Chair, he would wish to have said something with respect to that part of the right rev. Prelate's speech in which he had been referred to.

Sir *E. B. Sugden* said, that he was in possession of the House, and wished to proceed.

The *Speaker* said, that the right hon. Gentleman was undoubtedly in possession of the House, but that if it pleased the House to prosecute the inquiry some substantive motion should be made.

Sir *E. B. Sugden* said, that nevertheless he should withdraw all intention of saying another word on the subject then, reserving himself for another opportunity.

The *Attorney-General* begged to be permitted to say, that the speech of his to which the right rev. Prelate, the Bishop of Exeter alluded, had been delivered upwards of twelve months ago; and that if the right rev. Gentleman had any explanation to demand or complaint to make respecting it, he should have done so at an earlier period. What the right rev. Prelate stated was to him a matter of little concern, for he felt that his honour required no vindication or defence against that right rev. Gentleman's attacks.

Mr. *O'Connell* wished to take notice of one statement made by the right rev. Prelate. It appeared from the paper alluded to, that the right rev. Prelate had quoted four questions as having been put to him (Mr. O'Connell), and four lengthy answers attributed to him in reply, and that the right rev. Prelate stated that he had no other authority for them than that of the Earl of Winchilsea, who had quoted them on a former occasion. He did not mean any disrespect to that noble Lord in saying that this statement which he had endorsed over to the right rev. Prelate was not to be found in evidence. He would be glad to know where that noble Lord had discovered it, for it was totally without foundation.

Viscount *Howick:* He hoped he might be permitted to say one word. [" *Hear*," and " *No*."] He had a right to say, that in the same speech of the right rev. Prelate expressions had been attributed to him as having been used by him in that House which were totally unlike any thing he had ever heard. There was not the most remote or faint resemblance to them in any speech he had ever delivered.

The *Morning Post* was ordered to be laid on the table.

LAW OF PROPERTY.] Sir *E. B. Sugden* begged to ask the right hon. Gentleman opposite a question relative to the Bills.

The *Attorney-General:* Is it relative to the Bishop of Exeter? [A laugh, followed by cries of " *Order*."]

Sir *E. B. Sugden* replied, that it related to the five bills which the hon. Gentleman had on the orders of that day, which were marked down for second reading, although they were not yet printed. He wanted to know why?

The *Attorney-General* said, he was glad the right hon. Gentleman had given him an opportunity of explaining. Before he asked for leave to bring in those bills they were drawn up; on obtaining leave he sent them to the printer, but from some circumstance or other, and to his very great surprise, for he had sent several times for them, they had not yet been received.

Sir *E. B. Sugden* said, it was a very inconvenient practice to have bills which were not yet printed set down for second reading. He would take that opportunity of telling the hon. Gentleman (the Attorney-General) that he would decline serving on any Committee of which he was the guardian, and of requesting the hon. and learned Gentleman, whenever he should feel it his duty to address that House, or any Member of her Majesty's Government, on matters of public business, not to insult him by asking him across the table whether what he had to say related to the Bishop of Exeter or not. He desired that he would not take the liberty of mixing him (Sir E. B. Sugden) up with subjects which might press upon the hon. Gentleman's own mind, but which were totally foreign to that upon which he (Sir E. B. Sugden) rose to speak. He was referring to the property bills of the hon. Gentleman, when the hon. Gentleman asked him if his question related to the Bishop of Exeter, although the hon. Gentleman was aware it did not when he so interrogated him.

The *Attorney-General* declared he had not the most distant notion of what the right hon. Gentleman's question referred to at the time. He regretted exceedingly that the right hon. and learned Gentleman could not consent to be a Member of the Committee; he hoped that when those bills should have received the consent of Queen, Lords, and Commons, the right hon. Gentleman would not on that account move that their operation be suspended for three months.

Subject dropped.

POOR LAWS (IRELAND).] The House went into Committee on the Poor Laws (Ireland) Bill. On Clause 47, empowering Commissioners to assist in the work of emigration, having been read,

Mr. *J. Grattan* rose to move its omission from the Bill. He was convinced it would injure rather than assist the operation of the Bill. Emigration ought not to be carried on, if it were advisable to carry it on, by unions, guardians, or commissioners. For his own part he was more inclined to leave the labouring population of the country where they were, and engage them in the cultivation of waste lands—a course which he was sure would do more towards the furtherance of the measure than conferring such a power as this clause contained on guardians and commissioners. It empowered them to select any number of persons for emigration they pleased, and, in addition to the poor-rates, to tax the unions for the furtherance of that object. To that power he objected. He would not agree to give to the majority of guardians a power by which they might—he did not say they would—but by which they might contrive to relieve their own estates at the expense of the entire union. He had no objection to have his property taxed for the relief of casual destitution in workhouses, but he protested against this additional taxation at the discretion of the guardians in order to facilitate emigration. Let the noble Lord first bring the workhouse system into operation—let him perfect that system, and then, but not until then, let him see how far it would be advisable to carry on emigration, in conjunction, and after consulting, with the colonial Legislature. He thought the omission of this clause would tend very much to insure the success of the measure. The subject of emigration had better be altogether postponed until a general measure could be introduced with the consent of those authorities abroad, without whose assistance comprehensive beneficial results could not be expected.

Mr. *Lynch* supported the clause. As a general proposition he altogether repudiated the doctrine that emigration was remedially applicable to Ireland. There was no doubt great want of employment, but was there not also an immense tract of waste land to be cultivated? The great evil was the undue competition for land, and that he contended would be materially diminished by the effect of this Bill acting as a stimulus to the landlords and furnishing, as it would, important facilities for the employment of the poor. Thus there would be no great need for emigration. Still urgent cases might occur, and with respect to such he was willing to vest in the Commissioners the powers they would exercise under this clause. At the same time he was anxious to know precisely how the expense was to be borne—whether by the unions alone or partly only by the unions, partly by the public, and partly by the landlords, whose surplus tenantry it might be necessary to remove?

Captain *Jones* inquired whether the money to be raised under this clause by the boards of guardians, and which was to be applied, under the direction of the Commissioners, in conducting or assisting "the emigration of poor persons," was to be confined to particular unions or thrown into a general fund?

Viscount *Morpeth* said, it would be applied to the poor resident in the particular unions; but it was perfectly discretionary with the guardians to avail themselves of the power of this clause or not, as they thought best. It was not proposed to throw any special charge upon particular landlords. Treating of emigration generally, the best way of conducting it he thought would be by the unassisted efforts of private individuals, who knew what was good for their own estates, and who might safely be trusted with the clearing of them, if they thought it advantageous to do so. He was, therefore, opposed to those who would raise a general public fund for any wide and comprehensive scheme of emigration. The absence of a law of settlement must detract very much from the efficacy of this clause, and from the temptation which any particular locality might have to disembarrass itself of its surplus population. At the same time there might be a special case, such as an unusual degree of dearth or famine, a contagious disorder, or a great change in the mode of cultivation, which might lead a district or union to avail themselves of this clause. And after any general settled and consenting system had been established, tending on the whole to assimilate the burdens over the entire surface of Ireland, they might also combine to give effect to this clause by ridding themselves of a corresponding amount of their superfluous and chargeable population. The clause was merely permissive; it might do some good, and he did not see how it could produce any inconvenience.

Sir *E. Sugden* thought the expression "poor of the union" as it stood in the clause extremely ambiguous, particularly as there was no law of settlement in Ireland. He very much doubted whether it would be found to work beneficially.

Mr. *Lucas* observed, that objections had been taken to the clause, which had been in no wise answered by the Government. If emigrants could be sent to the Canadas for *5l.* a-head, they could be brought back from thence to Ireland for the same money; and if, on arriving in Canada, they found their speculation likely to be unsuccessful, they could obtain *5l.* by a month's labour. They would then come back to the same part of Ireland which they had left, and how were the guardians to get rid of those paupers a second time?

Mr. *O'Connell* opposed the clause, because he could not see what benefit they were likely to derive from such a system of emigration. It was calculated that the population of Ireland increased 50,000 every year; and even if they were to send out from it 50,000 emigrants annually, they would only just leave the thing as it was at present, and would not relieve the country from one iota of the distress now existing. But was there any wisdom in such a plan? Had they considered what it would cost to send out 50,000 emigrants every year? It had been said, that this clause would only enable the Commissioners to send out labourers, but that was not so. But even supposing it to be so, if they persisted in sending out the labourers of Ireland, they would soon find that they were sending away from it its blood and its sinews, and were leaving the land without men to cultivate it. But did this clause enable the Commissioners to send out labourers only? Certainly not; it enabled them to send out the widow, the infirm, and the aged; and it would be easy to make them wish to leave the country by placing every kind of difficulty and hardship in the way of the relief afforded to them. The hon. and learned Member for Galway had contended that if they joined the workhouse system with the system of emigration, they would take away the competition for land now existing in Ireland? What likelihood was there of such a result being produced? According to one of the reports which had been laid on the table, the number of destitute persons in Ireland was 380,000, and of that number 365,000 were without a single acre of land. Out of this number, then, of 380,000, there were only 25,000 persons at any rate who could enter into any competition for land, the remainder did not enter into any competition for land, and therefore ought not to be described as competitors for it. To imagine that they could make the poor of Ireland rich by means of a Poor-law, and to pass this Bill as it then stood, appeared to him to be anything but wise policy. He implored the House, therefore, to get rid of this emigration system; for the power granted by this clause was a frightful power to put into the hands of any guardians of districts in Ireland, or into the hands of any single Commissioner in Dublin. It formed no part of the original plan of Poor-laws for Ireland, and was not even an amendment upon it. If they passed this clause, they must have a clause of settlement along with it. Last year the noble Lord (John Russell) had himself depicted in strong colours the difficulties which stood in the way of any system of emigration. Emigration had been going on for years steadily in Ireland. Had it benefited that country? Every man who knew anything of the state of Ireland knew that it had not. He concluded by repeating his declaration that he intended to vote against the clause.

Lord *John Russell* admitted that, in stating his opinion of the Poor-law for Ireland introduced last year, he had not laid any great stress on the advantage which that country was likely to derive from a system of emigration. Indeed, he did not even now think that such an amount of emigration could be practically commanded as some hon. Members supposed was necessary for the regulation of the labour-market in Ireland. In defending the clause as it then stood, he did not intend to defend it on the ground that it would produce great emigration, and that that emigration would be of advantage to Ireland. He only meant to defend it on this ground, that in certain cases it might be useful, and to meet such a contingency it was fitting to give the means of assisting emigration to the board of guardians of the district, and to the commissioner combined. Indeed, he should be ready to alter the clause so as to limit the power of the commissioner to facilitate emigration to the cases of such poor persons only as were recommended by the guardians of districts, in which certain sums had been raised by the union for the express purpose of emigration. The noble Lord moved additional words to give effect to this opinion.

Sir *R. Bateson* opposed the clause on account of the frightful expenses by which this system of emigration would be attended, and also on account of the frightful power with which it invested the commissioner and the board of guardians.

Mr. *Wyse* expressed himself strongly in favour of granting extensive encouragement to emigration. He could not see that any of the evils which some hon. Gentlemen seemed to dread were to be anticipated from such a measure. The apprehension that the vacuum caused by emigration in a particular district would be filled up by an influx of destitute persons from other parts of the country, or that the price of labour would be injuriously raised by it he regarded as groundless. He thought it would have the ultimate effect of improving and extending the cultivation of land, and that it would relieve the country of a superabundant population, which prevented the development of its energies.

Mr. Sergeant *Jackson* thought the clause, as modified by the amendment of the noble Lord (J. Russell), would be most beneficial.

Mr. *O'Connell* said, that as the bill stood, a premium was given to those persons who refused to act as guardians without being paid; in other words, the guardians under the bill would be all paid officers, and it was material to bear in mind, that if the bill passed as it stood, these paid guardians would have it in their power to select whom they pleased for emigration, and send them out at the expense of the union.

Mr. *W. S. O'Brien* observed, that the Government had postponed the clause for the payment of the guardians with a very strong inclination, to all appearance, to alter that part of the bill agreeably to the opinions of the Irish Members.

Lord *Castlereagh* said, that when he was called upon to vote for this clause, he must declare, that he entertained very strong doubts as to the advantages to be derived from any system of emigration, and he was very doubtful whether they ought to adopt a measure of emigration at all in any bill for the relief of the poor in Ireland. He hoped the noble Lord, the Secretary for Ireland, would consent to postpone this clause, as the bill would go to Ireland with a very great obstacle in the way of its popularity, if it should show that the House was desirous of deporting the best men in the country.

Viscount *Morpeth* said, he would agree to the proposal of the noble Lord if it were not that he well knew that if the Government consented to withdraw the clause, the first thing they would hear from Ireland, would be, that they had withdrawn the only clause of the bill that was popular in that country.

After several verbal amendments had been made in the clause,

Mr. *J. Grattan* said, he still retained his first opinion. He thought the total omission of the clause a matter of so much importance that he must persist in dividing the Committee upon it.

The Committee divided on the question that the clause stand part of the Bill:—Ayes 71; Noes 26: Majority 45.

The clause as amended agreed to.

Sir *E. Sugden* upon his legs, objected to that part of the 49th clause which renders every married woman liable to maintain her child, and every child of her husband. It might admit of a question, whether there ought to be such a clause at all. But as the clause was introduced, it was manifestly most unjust, as far as it imposed new and fresh liabilities upon married women, without giving them any corresponding benefit or equivalent. In strict principle, he thought the whole of the clause should be rejected, but he would not divide the House with that object, although he would support any hon. Member who was so inclined. He thought it unfair, he considered it even iniquitous, to call upon a married woman, while she was married, to maintain, not only her own children, but all the children which her husband might have had by a previous marriage. If a man married a woman, he became the father of their joint children, while those children were in a state of infancy; but a woman ought not to be compelled to adopt her husband's children. She supposed, in marrying, that the husband would maintain her children and herself. Nothing, in his opinion, could be more unjust, than imposing a liability where, at the same time, they did not give a right to relief. Looking at the working of the Bill, too, the woman might be subject to a severe penalty. The husband might abscond, and then the poor wretched woman would have the whole support of the children thrown upon her. The imposing of such a liability, he thought was altogether alien to the principles of the British constitution. He should be sorry to see the Bill go to Ireland with such an unnecessarily harsh clause. There was a subsequent part of the clause upon which he should divide the House. He alluded to that part of the clause by which it was provided that every widow should be liable to maintain her child. To this he objected on the same principle that he objected to the preceding part—namely, that it created a new liability without conferring any corresponding benefit. He objected, also, to that part of the clause by which the mothers of bastard children are rendered liable to maintain them. He supposed the object was to assimilate the law of Ireland upon the subject to the law of this country. By the law of Ireland, as it at present stood, there was no obligation on the father of a bastard child to maintain it. When the clause was introduced into the law of this country, where a totally different state of circumstances existed, and where such a degree of confidence was felt that intercourse was sometimes allowed under the expectation that a marriage would afterwards take place, it was found to work wonders, and to bring about a very great change in the habits of the people. That did not exist in Ireland. Why, then, he asked, was the woman now to be exclusively punished? If they were to give a premium to licentiousness on the part of the man, why should they not give the woman corresponding protection?

The *Attorney-General* said, that if he thought the clause would have the effect stated by his right hon. and learned Friend, he should certainly oppose it also, because, as the Bill did not entitle to relief, it ought not to impose obligations such as his right hon. and learned Friend had referred to. But his learned Friend would see that the 49th and 50th clauses, taken together, meant only that this obligation should exist for the purposes of the Bill—that is, that where the mother was actually unable to support her children, or the children of her husband by a former marriage, and that they were relieved, she should be considered as in the same situation as if she herself had sought relief, and should go into the workhouse. Now, this was only for the purposes of the Bill. The same rule would apply to the husband, but it was only for the purposes of the Bill. He would certainly recommend to his noble Friend (Lord Morpeth) to omit that part of the clause which made the wife liable to the support of the children of her husband by a former wife. With this omission, the two clauses, taken together, were, he conceived, quite reasonable for the purposes of the Act. By the next (the 50th clause) it was declared, that the relief given under the Act to a wife or child should be considered to be given to the person declared by the Act to be liable to maintain such wife or child, and the said person should thereupon be deemed chargeable to the union in which such relief should be given.

Mr. *O'Connell* wished, that Irish Gentlemen would understand the importance of the point which they were now discussing. The effect of the clause would be to prevent, as much as possible, the Irish labourer from coming over to England and earning wages. That, he assured them, would be its practical effect. If, under this clause, a man's family were in a state of destitution, and he was unable to assist them, and if he came over to England, and his family went into the workhouse, the first deduction that would be made from his miserable wages, would be the sum expended upon his family in the workhouse when absent. Now, this might be very right, but still it was a great alteration in the present state of things as regarded the labouring population in Ireland. Under the present state of things it was certainly true, that when a poor man left his family to try and earn wages in England, his family were thrown upon the charity of the world; but then the husband and father who was absent from them stinted himself of every enjoyment; he slept in the fields or the ditches, and was happy if he could receive the shelter of a barn. He made his way back, after living most miserably; he returned without almost expending a farthing, and was then able to indulge himself with his little family for several months. By the present Bill, this was to be entirely changed, and they even held out by their law a temptation to the man not to come back. It would break what had always been the boast of the Irish peasanty—namely, the tie of affection. And this law of charity and benevolence to Ireland was to have this practical effect. He thought that this was a frightful clause, and he was sure it would not have been endured as it stood unless the Attorney-General had yielded to the argument of the right hon. Gentleman opposite.

Sir *E. B. Sugden* said, it was his decided opinion that the clause, as it now stood, would make the parties liable to maintain their children, legitimate or illegitimate, and those of the wife. This was shown by the concluding words of the clause, which his hon. and learned Friend, the Attorney-General, had read, for those words made the husband or mother of the wife or child relieved "thereupon chargeable to the union in which such relief shall be given." That might be very well if the law of settlement were allowed; but the Bill did not allow any settlement, and yet the clause made a man or woman chargeable to the union in which relief had been given to their child. This construction was further proved by the penalties enacted in the 53rd clause.

Lord *John Russell* said, it was intended to make important alterations in that clause with respect to the penalties.

Sir *E. B. Sugden* was glad to hear it, as it would improve it; but he contended that it would be a still greater improvement in the Bill to strike out the 49th and 50th clauses. They were not at all necessary to the working of the measure, and would prove injurious to it.

Mr. *Woulfe* admitted, that there was no right of relief in the Bill, but relief *de facto* would be given, and he thought there should be a corresponding liability.

Sir *E. B. Sugden* had no objection to the liability of the father for relief given to the child, and if that were the only object of the clause he should withdraw his opposition.

The *Solicitor-General* said, that the right hon. Gentleman's object would be attained by the omission of the 53d clause, which the Government were prepared to allow.

Sir *E. B. Sugden*, under those circumstances, was not opposed to the substance of the clause.

Several amendments were made in the clause, which was, as amended, agreed to.

On clause 52,

Mr. *O'Connell* said, that the only persons this clause would affect would be the thrifty, whose wages would be attachable in the hands of their employers. It would be introducing a new principle into Ireland never yet heard of, and would interfere with the diligent in favour of the unthrifty. In the bill of last year this clause was struck out. After all, too, it was not worth while for the Government to retain it. He thought it was calculated to do a great deal of mischief, and, therefore, the better way would be to leave it out of this Bill also.

Lord *John Russell* said, that last year this clause was, as he believed, not struck out, but only postponed for further consideration. He did not think that any great benefit would be derived from applying the clause to Ireland, although he was disposed to be favourable to the general principle it laid down, and therefore he was ready to postpone it for the present. He should certainly not think of pressing it, unless he found the general sense of the House was in its favour.

Clause postponed.

Clause 53, imposing penalties for desertion of families, was next proposed.

Sir *E. B. Sugden* wished to call the attention of the noble Lord (J. Russell) to the wording of the first part of this clause, taken in connection with the 50th section. By that clause it was provided, that relief given to the wife or child should be considered as relief given to the husband or father. Now, the clause under discussion said, that if a person was relieved at the expence of any union, if he refused to be lodged, &c., he should be liable to be imprisoned for one calendar month. The noble Lord would see, therefore, that if a person were relieved in legal construction by relief being given to his wife or child, he would become liable to the penalties of this clause. He wanted, accordingly, to know whether it was the noble Lord's intention in every case to force a person into the workhouse, together with his wife and family. Suppose a labourer with his wife and three or four children, and one of them an incurable cripple. He did not see how, as the clause stood, the guardians could receive this child into the workhouse, without obliging the labourer also to come into the workhouse with his wife and the rest of his family.

Lord *John Russell* said, that as a general rule, it certainly was intended that parents should not obtain relief for their children without coming into the workhouse themselves, if the guardians required it, but he saw nothing in this clause which would prevent the guardians, in a case such as that mentioned by the right hon. Gentleman, from exercising a discretionary power.

Mr. *Lynch* hoped the noble Lord would introduce a vagrancy law into Ireland, without which this Bill, which he considered as introducing a system of police, would be comparatively ineffectual.

Lord *John Russell* agreed with his hon. and learned Friend in thinking that there should be a law with respect to vagrancy in Ireland, and he had shown that such was his opinion by clauses which had been introduced into the present Bill; but he certainly considered that, whether such a law was passed now or at a future period, no good would result from it until the effects of the present Bill had been seen. He did not think that a vagrancy law would operate, unless the feelings of those who had to administer the law went along with it, and that was not likely to happen, until places were established where the really destitute might be provided for.

Mr. *O'Connell* thought there was some difficulty in saying what was the meaning of the word "abscond" in this clause. It appeared to him that it must be interpreted to mean "not being within the workhouse." Now, if this were the case, the 56th clause would operate very harshly, for if a person was suspected to have brought himself under the penalties of the 63d clause, now under consideration, any justice of the peace might issue his warrant to apprehend him and bring him before himself or any other justice of the peace, to be dealt with as directed by the Act. What he would suggest would be, to let the guardians have the power of taking in part of the family, if they thought fit, and to do away with the liability of the parent.

After a few words from Mr. J. Grattan, and Lord Clements,

Mr. *O'Connell* suggested the words, "who shall have absconded out of such workhouse," which he thought, would be sufficiently specific to prevent any mistake as to the vagrants referred to. It was not perhaps generally known to hon. Gentlemen that Mr. Bolingbroke, in making an abstract of the Irish statutes, when he came to the word "vagabond," said, *Vide* Irish gentleman."

The clause, as amended, was agreed to.

Clauses to the 59th were disposed of.

The House resumed.

The Committee to sit again.

HOUSE OF LORDS,

Monday, March 5, 1838.

MINUTES.] Bills. Read a first time:—Protection of Slaves; Glebe Houses.—Read a second time:—Conservancy of the Thames.

Petitions presented. By Lord BEXLEY, from inhabitants of Blackheath, in favour of the Protestant Church.—By the Duke of RICHMOND, from the Archdeacon and Clergy of Chichester, against the union of the Bishopric of Sodor and Man with that of Carlisle.—By Lord FITZGERALD, from Lisburn, by Lord BROUGHAM, from Exeter, and from the same city, signed only by Females, and from Wesleyan Methodists of Devon, from Oldham, and from a number of other places, by Lord REDESDALE, from Stowmarket, and other places, and by the Marquis of LANSDOWNE, from Great Cheveley, Devizes, and other places, against Negro Apprenticeship.

CATHOLIC MEMBERS OF PARLIAMENT.] The Earl of *Fingall*, seeing a right rev. Prelate in his place, was anxious to correct an error, into which, the right rev. Prelate had, no doubt, unintentionally fallen. The right rev. Prelate was represented to have said, a few evenings since, after adverting to a statement which he (the Earl of Fingall) had made, in the other House of Parliament, with reference to the Roman Catholic oath, and of which the right rev. Prelate had spoken in terms much more complimentary than he deserved; that he (the Earl of Fingall) had lost his election for the county of Meath, in consequence of the opinion which he had expressed on that subject. That, however, was not the case. The sole cause of his having lost his election on that occasion, was the great excitement which prevailed in the country with reference to the repeal of the Union. And he had not the slightest doubt, if he had agreed to support that question in the other House of Parliament that he should have been returned. He attached very great importance to that question, and he never could give his assent to the repeal. He thought that it was a duty which he owed to himself and to the constituency alluded to, to take the earliest opportunity to lay the fact before the House, and to correct the statement that had gone forth.

The Bishop of *Exeter* was happy to hear the explanation of the noble Earl. It would, however, be in their Lordships' recollection, that when he made the representation adverted to, he said that it did not rest on the best authority. He was glad to learn that the rejection of the noble Lord was not on account of the declaration which he had made in the other House, and which was so honourable to him as a Roman Catholic subject.

Subject dropped.

HOUSE OF COMMONS,

Monday, March 5, 1838.

MINUTES.] Petitions presented. By Mr. J. B. O'NEIL, from Antrim, and by Mr. ROCHE, from Limerick, and by Major MACNAMARA, from Ennis, against the Poor Relief (Ireland) Bill.—By Mr. LUCAS, from the Infirmary Surgeons of Ireland, against the Medical Charities Bill.—By Mr. DUCKWORTH, from Leicester, praying for an alteration in the laws relating to Common Informers.—By Mr. C. LUSHINGTON, from various parts of Devonshire, by Captain WINNINGTON, from the inhabitants of Kidderminster, by Mr. VILLIERS, from Wolverhampton, Sedgefield, King's Swinford, and other places in the counties of Stafford and Worcester, by Mr. EASTHOPE, from Protestant Dissenters of Leicester, by Sir C. LEMON, from the inhabitants of St. Alban's and its neighbourhood, by Dr. LUSHINGTON, from the Society of Friends in Great Britain, by Lord C. FITZROY, from Bury St. Edmund's, and two other places in the county of Suffolk, by Captain MEYNELL, from the inhabitants of Lisburn, by Mr. LASCELLES, from the Protestant Dissenters of Wakefield, by Mr. PEASE, from a parish in the North Riding of Yorkshire, and by Mr. Sergeant JACKSON, from the Wesleyan Methodists of Bandon, and from the Independents of Dublin, for the total and immediate abolition of Slavery.—By Colonel G. LANGTON, from Grocers and Soap-boilers of Bath, and by Mr. MILES, from

Bristol, for a repeal of the duty on Soap.—By Mr. VILLIERS, from Wolverhampton, for an inquiry into Church Property.—By Mr. PUSEY, from Berkshire, in favour of the Rating of Tenements Bill.—By Dr. LUSHINGTON, from inhabitants of the Tower Hamlets, complaining of Common Informers; and from the owners of small Houses, in the Tower Hamlets, in favour of the Recovery of Tenements Bill.—By Mr. H. G. WARD, from Sheffield, for an inquiry into the existing Combination laws.—By Mr. M. J. O'CONNELL, from parishes in Kerry, for the total abolition of Tithes, and in favour of Vote by Ballot.—By Captain WOOD, from Hotel Proprietors, Tavern Keepers, and Licensed Victuallers of London and Westminster, for the repeal of the Special Taxes on their Servants and Windows, for exemption from the liability to make good the loss of property of travellers deposited with them, and not to pass into a law the Bill for extending the time for keeping open Beer Shops.—By Mr. B. HALL, from the Association of Operative Carpenters of the borough of Marylebone, for a remission of the sentence passed on the Glasgow Cotton-spinners.—By Mr. Sergeant JACKSON, from Protestant inhabitants of two parishes in the county of Cork, against the present system of Education in Ireland.—By Mr. BAINES, from Leeds, for a repeal of the duties on Foreign Corn.—By Mr. GILLON, from the Central Board of Scottish Dissenters, against the measure for the endowment of forty Schools in Scotland; and from Postmasters and Stage Coach Proprietors of London and its vicinity, against the inequality of Taxation on modes of Travelling.—By Mr. HAWES, from inhabitants of the Metropolis, against the Coal Monopoly.—By Mr. ORD, from Newcastle-upon-Tyne, for the repeal of the duty on Soap; and from the Chamber of Commerce in the same town, to allow Foreign Corn in Bond to be ground.—By Mr. O'CONNELL, from Protestant Dissenters of Wellingborough, and other places, for the total abolition of Negro Slavery; from a parish in the county of Kilkenny, against the Salmon Fisheries (Ireland) Bill.—By Mr. HODGSON, from Barnstaple, and by Lord SANDON, from Liverpool, for a reduction in the rate of Postage.—By Mr. HODGES, from a place in Kent, for an alteration in the Poor-law.—By Mr. E. ELLICE, jun., from Cupar, and Fife, for the extension of the Suffrage; and from the same place, in favour of the Municipal Amendment Bill.—By the CHANCELLOR OF THE EXCHEQUER, from the Owners and Occupiers of Land in Limerick, against the Salmon Fisheries (Ireland) Bill.—By Mr. F. MAULE, from Dunraven, for the abolition of Tithes.—By Colonel SIBTHORP, from Hertford, for the abolition of the duty on Fire Insurances.

ROYAL MARINES.] Lord *John Russell* appeared at the bar and said, that her Majesty had taken into consideration the Address which was agreed to by her faithful Commons on the 27th of February last; and was desirous that the best means should be adopted for carrying the wishes of her faithful Commons into effect, with due regard for economy, and for the just claims of all the branches of her naval and military service. The noble Lord said, that in moving the Order of the Day for the House to resolve itself into a Committee of Supply, he thought it proper to state the course which her Majesty's Ministers had judged it fit to adopt with respect to the Address which had been agreed to by that House, and the answer from her Majesty which he had just communicated. Upon the night of the 27th of February, the House had agreed to an Address to her Majesty, with reference to the corps of Royal Marines. That Address was carried by a majority of thirteen, 100 Members voting for, and eighty-seven against the motion. Upon that Address being communicated to the department with which its subject had connexion, her Majesty's Government at the same time intimating their desire that the whole subject should be submitted to the inspection of that department, it appeared that this was not a solitary instance with respect to officers serving in her Majesty's army and navy; that at the end of last year an Address had been carried with respect to the naval officers in her Majesty's service, and that there were several notices besides connected with the subjects of the promotion and rewards of naval officers lying on the table of that House. It was, therefore, not thought fit that this Address should be immediately carried into effect, without calling the attention of the House of Commons to this subject in general, with a view to make some arrangement by which the public service might be carried on in the most satisfactory manner, according to the usual practice in the constitution; that rewards and promotions should proceed from the Crown, and that the check and control of public expenditure should proceed from the House of Commons. This was a practice which appeared to him (Lord John Russell) to be no less conformable to reason and to a just view of the constitution, than it was conformable to ancient and invariable custom. The officers serving her Majesty in the military, the naval, or any other public service, had a right to look to the Sovereign whom they served for promotion and reward; and, on the other hand, there could be no more grateful duty than that which devolved upon the Sovereign of distributing those rewards and promotions which faithful, meritorious, and lengthened services might seem to require. If, however, any excess of expenditure took place, the people of the country had a right to call on their representatives in the House of Commons to check and control that expenditure, and inquire into all the circumstances by which it was accompanied. But if motion after motion were to be made, and if, as in a recent instance, such a motion were to succeed in that House, the wholesome rule to which he had referred must fail. And if an officer or officers of the navy or army, having preferred a claim to the Board of Admiralty, or at the Horse Guards, were refused, they would, probably, be led to expect that they might receive from the House of Commons that promotion, those honours which had been peremptorily refused to them by the executive departments. He could not, in the discharge of his duty, refrain from calling the attention of the House of Commons to this subject, because he should be sorry to see precedents established which might hereafter be most disadvantageously misapplied. Questions of this description might possibly be carried through the House by small majorities, sometimes owing to a thin House, and at other times in consequence of public attention being absorbed by different subjects; and it might not impossibly happen that a great and mischievous change might be introduced insensibly into the constitution of this country, and that the House of Commons might seriously interfere with the prerogative of the Crown, by taking upon itself the rewarding and encouragement of those services which it was the proper province of the Crown to reward and encourage. Considering the subject, therefore, in this view, the advisers of the Crown had thought it proper to advise her Majesty that an answer should be returned to the Address expressive of the willingness of her Majesty to comply with the wishes of the House of Commons, but at the same time recommending that a Commission or Committee should be appointed, composed of persons distinguished by their rank and station, both in the naval and military services, combined with a certain number of civilians, to consider the whole question as regarded promotion and the present system of rewards conferred for naval and military services. With respect to this subject, he was desirous of calling the attention of the House to another circumstance that occurred in the debate which took place the other night with respect to the marines. His hon. Friend who sat near him, the Secretary of the Board of Admiralty, said, that in deference to the expressed wish of the House of Commons, the Board of Admiralty had taken the subject into consideration, with a view to further promotions amongst the marines, but also with a view to public economy. One Gentleman, certainly, who voted with the majority, said that the wishes of the House of Commons had been mistaken, and that it was not the intention of the House of Commons that economy should be consulted at all with regard to the promotion of deserving officers of marines; that the subject, in fact, was not one upon which it was necessary to look to principles of economy. If these were the sentiments which had been expressed by an hon. Member in that House, and received, as he thought, with approbation, it behoved them well to consider, and ere long the House of Commons would have to consider, on what principle these public services were to be carried on. For many years past—since the year 1821—these services had been carried on by the several departments of the executive government with a careful view to economy in the public expenditure. In 1821, the hon. Member for Kilkenny moved an address to the Crown, expressing, among other matters, that economy should be carried out to the greatest extent in the military and naval departments of the country. To that resolution an amendment was moved by Mr. Bankes. Lord Londonderry, who was then the leader of the House of Commons, declared that the sense of the original motion and of the amendment were the same, but that he preferred the amendment, as the motion implied censure, but that in the general substance of the address he fully concurred. At the end of this address it was stated:—

> "And, further, that his Majesty will be graciously pleased to direct that every possible saving that can be made, without detriment to the public interest, may be effected in those establishments which the country is bound to maintain for the safety of the United Kingdom, more especially in the military expenditure, and by a constant and vigilant superintendence over that and all the other departments connected with the expenditure of the supplies voted by this House."

He conceived that every Government since had been bound by the spirit and terms of this address. The Government of that time carried economy to a great extent; the Government of the Duke of Wellington carried economy further than it had been carried under preceding Governments; and the Government of Earl Grey still pressed forward the principles of retrenchment and reduction of the public expenditure. He thought there could be no doubt that, if economy and retrenchment were not to be their guiding principles, there should surely be no limitation of the powers of the Crown, and that such extension of liberality should proceed from the Crown, and be made to the House by the recommendation of the Crown. If the House was prepared to say, as some votes to which they had already come would seem to imply, that a more liberal rule should be henceforth adopted, that meritorious officers should receive more ample rewards for lengthened services than hitherto, the whole of the subject should be looked into, a comparison of the services of different classes of officers should be made by competent persons, and the result of this inquiry should be laid before the House. The House of Commons would then have before it — first, the question of what promotion or increased allowance should be made to certain officers in the naval and military service; and next, the question, which was not to be lost sight of, that the House of Commons should provide for this increased expenditure. This was, he repeated, a question not to be lost sight of, because he could not but observe, without mentioning any parties in particular, that nothing was more common in the House of Commons, that when the question was one of rewarding deserving officers, or giving encouragement by increased rewards, the House was all generosity; but when the question came to be considered as regarded taxation, the disposition of the House appeared to be, on the other hand, to deprive the Crown of those means by which alone such increased rewards could possibly be given. He had judged it necessary to state this much to the House, because he thought the Government would not be doing its duty if it allowed one motion after another to be carried in relation to one particular service, and did not call the attention of the House to the whole subject. The mode in which the Government proposed to do this was by appointing gentlemen known to the country by their high character and great activity in the service of their country, both naval and military, with whom would be joined some gentlemen connected with the civil service also, who, united, would form a Committee to take the whole of this subject into consideration, and having done so would report to the House. If necessary, there should be a recommendation made to the House, who would then decide upon the question, having the whole of the subject before them, and would not be niggardly in awarding promotion, nor, on the other hand, by an over liberality or laxity of disposition, incur the danger of introducing a most serious and pernicious change into the constitution of this country—one which would naturally make officers engaged in our naval and military service look for nothing but delay, hardship, and denial from the Crown, and liberality only from the House of Commons. He trusted that the course which had been taken by the Government would bring the whole subject before the House in a manner so fair and impartial that it could not meet with the disapprobation of any party. The noble Lord concluded by moving the Order of the Day for the House resolving itself into a Committee of Supply.

Mr. *Goulburn* said, that he did not rise for the purpose of entering into any lengthened discussion on the topics which had been adverted to by the noble Lord; but he was anxious not to lose this opportunity of expressing his concurrence in the principles which had been laid down by the noble Lord, and of tendering to the noble Lord his feeble authority, with a view to inculcate on the House the propriety of not interfering by votes of that description with the discretion of a Government as to the distribution of promotion and emoluments in the different branches of the public service. He held this to be above all the paramount duty of the Government, and he held it to be equally the paramount duty of the Government to bring into operation whatever influence they could exert within the walls of that House to carry into effect the principles which the noble Lord professed. The noble Lord must also give him leave to say, that if the Government, in the discussions which took place on questions of this nature, exhibited to the public symptoms of vacillation and uncertainty with regard to the course to be pursued, it was in vain for the noble Lord to call upon hon. Gentlemen, either on one side of the House or on the other, to support those principles which he advocated. When hon. Gentlemen saw in that House individuals closely connected with the Government voting against the Government upon questions of this description, the noble Lord might look in vain for that support which he and others on his side of the House would be always ready to afford him upon a question of this nature; he might look in vain for the consistent support of those who sat at the noble Lord's own side of the House, because instances of this description—instances such as that which occurred on a previous evening, did more to overturn his arguments, and defeat his effective power, than all the opposition which he might be fated to meet with in a fair and regular way. He merely thought it his duty, in furtherance of the noble Lord's object, to state thus much, the more particularly because he well remembered, that in the debate of the previous evening hon. Gentlemen on that (the Opposition) side of the House, who felt disposed to oppose what he considered to be the just view of the question, had been taunted by hon. Gentlemen on the other side of the House with having been actuated by the consideration, that they represented a marine constituency. Many of them had, and justly had, repelled that imputation; but if there was an individual in the House who had been so influenced, it was that very Member connected with the Government whose vote had been given in a majority against the Government. He did not wish to pursue this question any further. He felt the justice of the principle laid down by the noble Lord; but he could tell the noble Lord, that if the public saw, that on questions materially affecting the public service, the interest of the Government was not enforced to produce the result which in their opinion was that most to be desired, their appeal would be in vain, and their practice on the one side would quite outweigh their principle on the other.

Lord *J. Russell* hoped the House would allow him to explain the circumstance alluded to by the right hon. Gentleman, of a Member of that House connected with the Government having voted against it. Most undoubtedly if that right hon. Gentleman had spoken to him (Lord J. Russell) on the subject previous to the debate, he would have frankly told him his opinion—namely, that it was impossible for him while holding a situation under Government to act contrary to that Government. He knew nothing of that right hon. Gentleman's vote until after the division, when he (Lord John Russell) had been informed by him, that he had felt himself bound by something which had passed on a former occasion between him and certain officers of the marines—that he felt himself in honour bound to vote as he had done. It always appeared to him, that where there was any difficulty respecting an individual vote, the better course to pursue was to enforce as far as possible the authority of the Government; but if a question arose upon which an hon. Member conceived himself in honour bound to adopt a line of conduct different from that of the Government, then did he conceive, that the exercise of that authority might be construed into an unnecessary degree of strictness towards that individual. The right hon. Gentleman opposite had stated, and justly stated, that the course which had been pursusd by the right hon. Gentleman alluded to, afforded an encouragement to others in connexion with the Government to act similarly, and that no blame could be imputed to them for doing so. He having stated the reason why he thought, that Government ought not to take any further notice of the matter in this instance, would merely observe, that he regretted the example of the right hon. Gentleman opposite, in defending the prerogative of the Crown, had not been followed by more of his political friends, of whom he believed somewhere about seventy or eighty had taken an opposite view of the question, although they generally expressed themselves favourable to the prerogative of the Crown.

Mr. *Hume* said, that having voted for the address on the 27th ult., he felt himself called upon, after the speech of the noble Lord, to offer some explanation to the House, the more particularly as the noble Lord had referred to the motion upon this subject of 1821. He was not disposed to challenge the rule which had been laid down on that side of the House, and supported by the other, respecting the necessity of hon. Gentlemen holding official situations under the Government giving to that Government their support; but he was disposed to challenge the right of the Government to recommend to her Majesty a course of manifest injustice. He referred the noble Lord to his speech of 1822. The noble Lord would there find that he (Mr. Hume) had on that occasion called the attention of the House to the services of the Royal Marines, as contrasted with those of the army. He then alleged that great partiality existed on the part of the Government respecting certain branches of the public service;

that some corps received very great emoluments for very trifling services, while others, and the marines in particular, whose services were more valuable to the country, were very much neglected, or altogether passed by. That he considered unjust, and he had brought the question forward at the period referred to with a view to have it remedied. On more than one occasion since, he had noticed the very rapid promotion and large emoluments that were conferred on some corps without service, while scarcely any attention had been paid to those whose services had been very great and important. In pursuing this course he did not conceive, that he was in any degree infringing upon the royal prerogative. He appealed to the noble Lord who had brought forward the motion the other night for an Address to the Crown, to say if he had not recommended him to withdraw the latter part of it, because it related to salaries and other details which he did not think it would be proper for the House to interfere with. But he held it to be perfectly within the province of that House, when fully satisfied, that injustice had been done to a large portion of her Majesty's servants, to take steps for the redress of that grievance. He did not mean to say, that the House should dictate the precise promotions which ought to be made, because he admitted with the noble Lord, that such a course might lead to precedents which would be extremely inconvenient. The power of the house should, no doubt, be very carefully and judiciously exercised in reference to this subject, but he entered his protest against the opinion of the noble Lord and right hon. Gentleman opposite, that the House, in coming to the vote it had come to the other evening, had at all interfered with the prerogative of the Crown.

Captain *Wood* wished to state why he had not voted on this question the other night. He was of opinion, that the Secretary of the Admiralty had fully made out his case, and he had risen on that occasion to say so, but was not fortunate enough to attract the Speaker's notice. He did not, however, vote for the amendment of the Chancellor of the Exchequer, because he did not think it a constitutional mode of meeting the question. He might have been in error, but he understood that the orders in council had frequently before been laid on the table.

Sir *E. Codrington* fully approved of the plan proposed by the noble Lord, and only regretted it had been postponed so long. He had frequently instanced cases in which certain officers had received for less than half the servitude more than double the remuneration given to much more distinguished and meritorious officers in her Majesty's navy. The proposed investigation, however, he was sure would lead to the desired result, that of doing equal justice to all. Before he sat down, he would take the liberty of correcting a misrepresentation contained in a weekly newspaper of what he said a few nights since, with reference to "head money." The paper had put these words into his mouth—"How dared the noble Lord utter such a falsehood!" He had never said one word of the sort. He believed no such words were imputed to him in any one of the daily newspapers, and it was rather gratuitous in a paper which had an opportunity of seeing all the others to publish so gross a misrepresentation.

The *Chancellor of the Exchequer* would not have risen but from what had been stated by the gallant Officer opposite, who well knew that the majority was not acting on that occasion in pursuance of the same opinion that had influenced him in abstaining from voting. He appealed to the right hon. Gentleman, the Member for Cambridge University, if it were possible for any individual to place the issue of a vote more distinctly upon an interference with the prerogative of the Crown, than he had done. He followed his hon. Friend, the Secretary for the Admiralty, in stating that it would establish a most fatal precedent of direct interference with the Royal prerogative in reference to naval and military affairs. He had asked the House to ascertain what had been done before they proceeded to vote upon the question, and it was in that sense only he had moved his amendment. The whole of the arguments of right hon. Gentlemen opposite, were founded on the principle that it was an undue interference with the prerogative of the Crown. If the House of Commons brought itself in contact with naval and military affairs, and happened to interfere improperly with the administration, depend upon it the time would come when they would be obliged to act upon the defensive. The hon. and gallant Officer was aware, that the majority had not been occasioned by his statement, but by a resolute determination on the part of the gallant Officer's own friends to support the orginal motion.

Subject dropped.

APPOINTMENTS TO GREENWICH HOSPITAL.] Colonel *Sibthorp* said, before the House went into a Committee of Supply, he wished to call its attention to the appointments on the part of her Majesty's Government in various departments, more particularly to the recent appointment to the situation of Commissioner of Greenwich Hospital; secondly, to move that the number of Commissioners appointed in conformity to the act of 10th George 4th, cap. 25, entitled "An Act to provide for the better management of Greenwich Hospital," be forthwith reduced to four in the government of the affairs of the said hospital; and that the Commissioners shall be limited to the aforesaid number of four, and shall, together with the clerk of the works, and all officers of the said hospital, be selected from persons who have or may hereafter have served in his or her Majesty's navy; thirdly, to move the repeal of clause 7 of the act of the 10th of George 4th, cap. 25, entitled "An Act to provide for the better management of Greenwich Hospital," "And be it further enacted, that all officers who shall be hereafter appointed to any employment in the said hospital (except the future Commissioners of said hospital, and the clerk of the works), shall be selected, as far as may be, from persons who shall have served in his or her Majesty's navy," and to substitute the following words—viz., "that all such officers as shall be hereafter appointed to any employment in the said hospital, shall be selected from those persons who have already or may hereafter have served in his or her Majesty's navy." He was not about to enter into detail as to these appointments, as that would be interfering unnecessarily with the business of the House; but when he looked to India, to Ireland, to Canada, and, as was relevant to his motion, when he looked at the recent appointment of a Member of that hon. House to a Commissionership of Greenwich Hospital, he thought it would be well for the Government to inform the House if the gentlemen so appointed were likely to attend to their duty. It might be said, that this was an ungracious motion, and one interfering with the prerogative of the Crown; but he wished to have a freer exercise of that prerogative than there was at present, and to have it less controlled by what took place in that House, and by advice out of it. He was one of the last persons who would interfere with the due exercise of the Royal prerogative, but he felt convinced that the appointments to which his motion referred, emanated not from the Crown, but from a vacillating Ministry. The appointment to which he particularly alluded, was that of the hon. Member for Tipperary to the commissionership of Greenwich Hospital. He knew he might be told, that by the 10th George 4th. chap. 25, it was expressly declared that the appointment of the Commissioners—five in number, of whom three were paid Commissioners—should be made at the pleasure of the Executive Government, and that in that act there was an exception, why he could not tell, to the effect that the Commissioners and clerks of the works should not necessarily be professional men. Now, it was precisely of that he complained. He did not see why there should be such an exception made in reference to those situations, and he hoped the House would agree to repeal that portion of the act. When he looked to the appointment of the hon. and learned Member for Tipperary, although he admired that hon. Gentleman's transcendent talents, he could not help complaining, on the part of her Majesty's naval officers, that their meritorious services should be overlooked. When there were so many admirals out of employment, so many captains, the relations of so many distinguished naval commanders whose names were dear to the country, and yet who were not engaged in the public service, he could not but lament that none should have been selected from those honourable classes to fill the situation which had recently been bestowed upon the hon. and learned Member for Tipperary. It, of course, could not be asserted that amongst those classes many individuals might not be found fully capable of discharging all the duties appertaining to the situation with assiduity and ability; he would ask who were so well qualified to manage the affairs of Greenwich Hospital as were naval officers? In making this motion, however, he begged to be understood that he made no complaint of the individual; he complained of the Government who made the appointment, and of the system under which it was made. He thought it the more remarkable that such an appointment should have been so bestowed at a time when a post of considerable importance was going a-begging—it had never been offered to him. Unless it had been filled up since Saturday last, he was justified in saying that the appointment was going a-begging. In almost every circle where political subjects were a topic of conversation, the question was asked, "Who is to be Clerk of the Ordnance?" but no one could answer the question; neither could any one answ r this question—why was such a post vacant? Probably the noble Lord opposite could solve the mystery; and yet, perhaps, it was too much to say that he could solve any mystery; possibly the noble Lord was then dreaming of resignation—a dream which he hoped might soon be realized.

Mr. *C. Wood* wished to state the case clearly, as regarded the hospital. In the year 1829 an Act of Parliament was passed, placing the government of the hospital upon a perfectly new footing, and by the arrangements then made, the commissioners were to have nothing to do with the management of that establishment beyond what related to the care of its property. The question before the House lay within a very narrow compass; the Commissioners had nothing whatever to do with the pensioners; they had nothing to do requiring naval experience; their duties simply related to the property of the hospital. At the time that Sir John Cockburn's Bill was introduced, in 1829, there were twenty-two directors of Greenwich Hospital, of whom only five were naval officers, and seventeen had never in any other way been connected with the navy; in effect, the whole business of the establishment was managed by the treasurer, the auditor, and the secretary. This system was changed during the administration of the Duke of Wellington, in 1829, and the Government of that day got great credit for removing a body of irresponsible persons, and placing three responsible Commissioners in their stead. The hon. and gallant officer had very properly referred to the Act of 1829, but if he took the trouble to inquire into the general administration of the affairs of the hospital, the gallant officer would find that every thing which related to the inmates was, as far as possible, under the care and direction of naval officers; but the Commissioners, as he before said, had only the care of the property of the hospital just as the Commissioners of Woods and Forests administered the territorial revenues of the Crown, and surely the House must see that the naval profession imparted no peculiar fitness for that duty any more than it did for any other. The management of estates involved duties merely civil; and with respect to the hon. and learned Gentleman lately appointed to one of the Commissionerships, the House would recollect that the hon. and gallant Member for Lincoln had given him full credit for distinguished abilities, and therefore the objection was not to the individual, but to the Act of 1829.

Sir *E. Codrington* was understood to support the motion, and to contend that appointments of this nature should be bestowed as much as possible upon naval officers, the situations being peculiarly suited to them, and they to the situations.

Captain *Pechell* could not follow in the wake of the gallant Admiral who last addressed the House, neither could he support the motion of the hon. and gallant Member for Lincoln. Not that he doubted the perfect fitness of naval officers for any situation, even that of Lord High Chancellor of England. He had heard from the highest authority, that a naval officer might be Lord High Chancellor of England; it was no wonder that indignation should be felt at the non-appointment of naval officers to situations of this description when cornets of dragoons, as happened in 1235, were found filling the situations of lay-Lords of the Admiralty. Still he could not support the present motion. If the hon. and gallant mover were sincere in the wish to reform these abuses, he ought to proceed upon a broader principle; he ought not to apply himself to a single case, but to propose a total repeal of the Act of Parliament. For his part, he should vote against any Government in a matter that concerned the interests of the navy or marines, but the proper way to meet the evil was not by interfering in isolated cases with the patronage of the Crown.

Sir *R. Peel* thought a proceeding of this sort amounted to an interference with the prerogative of the Crown, which he did not feel disposed to sanction. His hon. Friend found fault with the qualifications of the hon. and learned Member for Tipperary, and he proposed that the House of

Commons should find fault with those qualifications; the interval was short between that and suggesting the name of another to fill the place. He was unwilling that the House of Commons should take any step tending even to set an example of interference with the legitimate prerogative of the Crown—nothing but a very strong case indeed should induce him to agree to any proceeding which might seem to imply a preference for one appointment over another. He hoped therefore that his hon. Friend would not press this question to a division, though certainly the House might, if it thought proper, reduce the number of the appointments, but he would not sanction the sort of interference with the prerogative of the Crown which the motion before the House involved.

Colonel *Sibthorp* said, that he had discharged his duty in bringing the subject under the consideration of the House.

Motion withdrawn.

Java Duties.] Sir *R. Peel* rose to put a question to the noble Lord opposite on the subject of the Java Duties. The parties most interested in the question traded from the out-ports of this country with Java. These duties in which both the merchants of this country and the East India Company felt much interest, were levied in a manner contrary to the letter and spirit of our treaty with Holland on the subject. The noble Lord opposite some time ago said, that he soon expected to have a communication to make to the House relative to it; he wished now, therefore, to know whether her Majesty's Government were prepared to afford any information whether any satisfactory arrangement had been made with the Dutch Government, or whether there existed any prospect of such a result.

Viscount *Palmerston* said, the Dutch Government had engaged to issue a tariff in conformity with the stipulations of the treaty. Such a treaty he understood had been published in Java, and he was in daily expectation of an official communication on the subject from the British Minister at the Hague. In the mean time, having received a copy of that document from a private source, he believed he might say it would be found in some respects satisfactory, in others not. The right hon. Baronet was aware that the stipulations of the treaty made the difference of duties depend not on the nationality of the goods, but of the vessels and importers. Goods imported into Java by British subjects in British vessels were to pay double the duty of goods imported in Dutch ships by the subjects of Holland; and where there was no duty levied upon articles imported by Dutch subjects and vessels, the duty of 6 per cent, only was to be levied on English goods. By this time a scale of duties had been properly arranged, and he was inclined to think the distinction would be made to depend on the commodities themselves, as well as on the nationality of the ships importing them. If, on receiving the official communication on this subject, which, as he had said, he daily expected from our Minister at the Hague, it were found that the stipulations of the treaty had not been duly attended to, it would be his duty to insist on such changes as were necessary.

Lord Brougham and the Navy.] Captain *Pechell* was sorry to detain the Speaker in the Chair a moment longer than was necessary, but the fact was, that the press had stated much that was, not said in that House on a former evening, and left out much that ought to have been inserted, with regard to the honour and character of naval men. The hon. Member then alluded to what was said the other night relative to officers of the navy taking head-money for captured slaves, &c., and said that, so far from officers in that service refraining from taking slave-ships before they should have got their cargo of slaves on board, he himself had frequently known the contrary to be the case, and had been witness of the contrary during the American war. He might mention among many others the names of the gallant Sir Hyde Parker and Captain Broke of the Shannon, who, in keeping up the blockade of Boston, lost a great amount of money by burning and sinking ships which they might have allowed to have sailed, and attacked when their cargoes were on board. It was not, then, fair that these charges about head-money and blood-money should be allowed to go before the public uncontradicted. He knew that officers appointed to this particular service exerted themselves to the utmost. This country had entered into a treaty with the Spanish Government upon the subject of the slave-trade, but it was not that Government only that was to be blamed; for it was on record in the library of that House that vessels of the United States of America carried out those very shackles with which the slaves were bound, and doing that which we had heard so much of as being done under the flags of Spain, Portugal, and the Brazils. The slave-ships were so fitted up that they could not be boarded, or the case would be very different. He did think that the honour of our naval officers ought to be protected—for they had shown in numerous instances on the African coast that they had nobly performed their duty with respect to the capture of slave-ships, and that, too, in a climate possessing far greater inconveniences than that of other stations. Those officers had not, and they never would, deviate from the course they had pursued up to the present time—and he hoped it would now go forth to the public that in doing what they had done they had strictly performed their duty.

Sir *Thomas Troubridge* said, he thought that it would not by any means become naval officers having seats in that House to allow statements such as had been made against their characters to go forth to the public without contradiction—and he would say, that the charges which had been made against them were most unjustifiable. The speech of a certain noble and learned Lord he then held in his hand, published in the shape of a pamphlet, and, therefore, he should be out of order in alluding to it. The British navy wanted no defenders either in that House or elsewhere. At the same time it might be supposed that if they remained silent when these charges were made they acquiesced in what had been said. He, for one, did not acquiesce in any such thing, as the officers of the navy had done their duty in the most trying circumstances, as the returns which had been moved for would show. He rejoiced that those papers had been called for, as they would show not only that naval officers had done their duty, but that they had suffered very great expenses in doing that duty. The character of naval officers was safe in that House. With respect to his remarks on a former occasion on this subject, he had made them more in sorrow than in anger, and for the purpose of affording the noble and learned Lord who had made those charges the opportunity of making a further disclaimer of them, and which disclaimer he regretted that noble and learned Lord had not made. He never had been in the habit of using harsh words, but he did not on that account feel the less strongly; and he must say that he considered the statements which had been made and the charges which had been brought forward against naval officers were a proof that the powers of eloquence might be preserved long after reason itself was lost.

House went into a Committee of Supply.

THE NAVY ESTIMATES.] Mr. *C. Wood* said, although there were many hon. Gentlemen who never before had the opportunity of discussing the estimates, yet the simple form in which they were now laid on the table, together with the full explanation which accompanied each item, would render it unnecessary for him to trouble the Committee at any great length. On going through the heads of the estimates, the Committee would observe that in No. 1, for men and wages, there was no difference. Under the head of victuals, there was a considerable increase arising from circumstances over which the Admiralty had no control—chiefly from the rise in price of several main articles of consumption in the navy. In the Admiralty-office, there was a slight increase of charge, one of the Lords of the Admiralty, from whom a house had been taken, being now put on the same footing as a Lord of the Treasury. Another increase arose from an improvement which they made last year in the situation of the clerks of the Admiralty. A clerk might, according to the former system, be seventy years in the service before attaining the *maximum* of salary. That was thought unjust to old and meritorious servants, and a change had, therefore, been made, by which second class clerks should rise 15*l.* a-year, and the first class, 20*l.*, for length of service. With respect to the registration of seamen, there had been a small increase in the number of clerks. It would be gratifying to the authors of that Bill to know that the important objects it was calculated to serve had already been realised beyond their most sanguine expectations. When the office was instituted, the number of registered apprentices was only 5,400, while on the 1st of February this year it was no less than 19,400, showing a positive increase since the establishment of the office of 14,000 registered apprentices. Under the next head, the scientific branch, there was a diminution of 5,000*l.* Last year he stated it was necessary to take a considerable sum for the purpose of bringing up the *Nautical Almanack*, so as to be generally available for merchant vessels. He was happy to state his object had been accomplished, and that the *Nautical Almanack* would shortly be published three years in advance of the present time; so that a ship going out for the longest voyage would now be enabled to avail herself of the same means of safety in coming home that she had in going out. It was only requisite to carry it another year in advance, and therefore so large a sum as last year would now be unnecessary. In the next head, "establishments at home and abroad," there was no material difference, any diminution taking effect in one place being countervailed by partial additions in others. The next head was the most considerable one, and included the vote for naval stores. The system acted on in 1832, of consuming the stores which were then spoiling in the storehouses, was found during the three succeeding years to reduce them far below the average amount, and he stated two years ago that there must soon be a considerable and progressive increase under this head. The estimate prepared under the right hon. Baronet's Government, was the lowest ever taken for the maintenance of the stores of the navy. In pursuance of the warning he formerly gave, it had now been found necessary to increase considerably the vote for stores, in order to put them in such a state as the importance of this main branch of the naval administration evidently demanded. Connected with this vote there was one announcement he had made in the course of last year, from which, under altered circumstances, it had been found necessary to depart. He then stated, that from the arrangements which had been made as to the store of timber in the navy, they would be prepared to throw open the contract to public competition; and, but for the addition of the post-office packets which had subsequently been thrown on the naval department, they would have been prepared to act upon that engagement. But it was found necessary to provide timber of a particular description far beyond what was usually required for the service of the navy, and which could not be obtained without taking a much larger supply of other sorts of timber at the same time; and, therefore, it was found advantageous to continue the contract for the space of two years, when it would be again thrown open to public competition. The next head of expenditure was that of new works and improvements in the docks and yards—and here he would fairly state, that but for the circumstances in which the revenue of the country had been last year, the Government would have brought forward a larger estimate under this head for the present year. But looking at that circumstance they thought, that whilst they did not postpone any service that was urgent, they were justified in postponing any new works which were not urgent, and of which the non-construction would do no harm to the public service. One of the new works for which he now called on the Committee to make provision, was the erection of a building at Woolwich, for the manufacture and repair of engines for steam-vessels. From motives of economy the General Steam Navigation Company had determined to erect a building for the manufacture and repair of the engines of their vessels; and learning that that establishment had saved that company great expense, the Admiralty had determined to have a similar establishment for the navy. The charge for the head of expenditure, No. 12—namely, that of medicine and medical stores, was the same this year as last—it was 20,000*l.* Under the head of expenditure, No. 13, for miscellaneous services, there was a charge of 30,600*l.*, for the contracts for the conveyance of mails by steam to and from Falmouth and Gibraltar. Though there was an increase on this head, he expected that it would be ultimately found that this was the most economical mode of conveying the mails to and from this country and the place which he had just mentioned. He had now gone through all the heads of the effective service, the total of which amounted to 3,085,000*l.* In the heads 14, 15, and 16, which included the half-pay and the military and civil pensions and allowances, there was no novelty this year, except so far as regarded the insertion of service pensions; they had been granted in pursuance of an order in Council, dated the 12th of July, 1837, founded on the recommendations contained in the report of the Select Committee of the House of Commons on army and navy appointments, and amounted to 4,200*l.* Under the head, No. 18, which related to the transportation of convicts, there was a diminution in the nominal amount of the grant, in consequence of the Irish Government having undertaken to transport its own convicts. But this was rather a transfer than a diminution of expense. The item would not appear in the navy estimates, but wouid be transferred to the Irish miscellaneous services. He felt, that it was unnecessary for him to make any further observations on the general estimates for the naval service. He assured the Committee that in framing them everyattention had been paid to economy,consistent with a due attention to the efficiency of the public service. He then moved a resolution to the effect, that there be employed in her Majesty's fleet for the next thirteen lunar months, ending on the 31st of March, 1839, 33,665 men, including 2,000 boys, and 9,000 royal marines.

Mr. *Hume* had hoped, that the Committee would have been in a situation to make a considerable reduction in the amount of these estimates this year, as the circumstances which had induced them last year and the year before to keep up a greater force in the Mediterranean and the Tagus than was usual had ceased to have any force. Some reason ought to be given why so large an increase had taken place lately in our naval expenditure. For his own part, he was not aware of any circumstance at that time existing in the world which justified an increase in the naval estimates. He recollected well that, in the year 1819, when he, in common with several of her Majesty's Ministers, sat on the Opposition benches, they had pressed the Government of Lord Castlereagh hard, because he proposed to employ for the service of that year 20,000 men, including marines and boys. They had told that noble Lord, that such an establishment was enormous and extravagant, and yet it was now quite evident that since that year they had been retrograding instead of proceeding in the career of reduction. In the year 1825, Sir G. Cockburn, a very efficient naval officer, had pleaded the disturbed state of the South American provinces as a reason for increasing our naval force, but had stated that as soon as those disturbances ceased, there could be no reason, at least he could see no reason, if peace continued, why our naval establishments should not be reduced as low as they were in 1819. Lord Grey, too, on taking office in 1830, had pledged himself to the strictest economy in all the departments of the public service. And yet, notwithstanding that pledge, the naval estimates had gone on increasing regularly year after year, and that, too, without a word of explanation from the Government of the day. Let the Committee just observe what had taken place with respect to the effective and the non-effective service of the navy. The effective service cost 3,000,000*l.* and upwards, whilst the non-effective, consisting of the half-pay and other allowances, cost 1,500,000*l.* He thought that this amount of half-pay and pensions required looking into. After twenty ye rs of peace it ought not to amount to any such sum, and it was only kept up to that amount by the present injudicious system of promotions. He wished Ministers would explain what the circumstances were which compelled them to keep up a force of 34,000 seamen and marines now, after the service of the country had been well done in the years 1819, 1820, and 1821, with a force of 21,000 men. The numbers in the two cases were very important: for unless they could reduce the number of men employed, they could not reduce the amount of *materiel* necessary to support them. In point of fact, we were keeping up large fleets in the Tagus and elsewhere, where we had no right to interfere. He called upon the Secretary of the Admiralty to explain why we kept up so large a force at Lisbon, where a single man-of-war ought to be sufficient for the protection of British commerce.

Mr. *C. Wood* observed, that it was undoubtedly true that he had not stated the reasons why it was deemed necessary by the Admiralty to keep up the present amount of force. But as the House had concurred for the two last years in thinking that that amount of force was necessary, and as some hon. Members had even stated, that in their opinion it was not even large enough, he had not deemed it necessary on this occasion to enter into such a statement. The same state of European affairs which had justified Ministers on a former occasion in proposing an increase of the naval force, remained at the present moment unchanged. He thought it would be a most imprudent measure to diminish the navy, while the other maritime powers kept up navies so powerful, and maintained an attitude so imposing. The number of Russian ships of the line in commission far exceeded that kept at sea by this country for many years past. The French navy had also been recently augmented, and the squadron stationed in the Mediterranean increased. Though he was happy to say that at present there were no grounds for apprehending a rupture with any foreign state, he should be sorry to see other great powers keeping up large fleets at sea, while this country had no countervailing force.

Sir *E. Codrington* said that, at this time, when every other country in Europe was strengthening its navy, we were neglecting ours. Our navy was indeed most neglected, as he had frequently represented, but without his representations being much regarded. There were midshipmen and mates that had been thirty years in that situation. There was no class of men under the Government who did not retire from service with a greater amount of remuneration than the highest officers of her Majesty's navy. Such was the want of proper management, that if they wanted to-morrow to man five line-of-battle ships they would not be able to do it. The half-pay of a lieutenant was 5*s*. per day; if he were sent to sea, he got only an additional 1*s*. 6*d*.; the masters had only 5*d*. additional for service. He was glad to find that the Government were at last about to take the matter up, and he sincerely hoped that they would do so with a determination to render the navy justice. He would ask, ought a navy officer to retire from the service in such a situation as to be obliged to send his daughters to a charity—and that a private charity, be it remembered? He called on the noble Lord to say whether he meant to go to the root of the evil, sincerely intending to remove it.

Sir *J. Duke* trusted that the Admiralty would take into their consideration some measure to improve the pay and condition of the petty officers before the mast. He complained of the inequality of the pay as compared with the service.

Captain *Pechell* said, there was not sufficient encouragement in the navy. There were 363 midshipmen as they were formerly called, but they were now called mates. The first three were forty-one years of age; the next thirteen were thirty-four years. The average amount of their pay was 50*l*. 12*s*. 8*d*. They were sometimes called on to fit themselves out at an expence of about 150*l*. There were 203 midshipmen, sixty-one of whom appeared to have served on the average nine years beyond their time of qualification. What was their pay? Why, it was 31*l*. 4*s*. per annum. What was their half-pay? Last year he stated what it was not: it was nothing a day, and find themselves. There were 175 who served as volunteers at 12*l*. a year; of these he would not speak, as they were pleased to serve. The total number of the three classes he had mentioned, all of whom came under the denomination of midshipmen, was 741 persons; the expense was 27,200*l*. a year. There was one case of hardship to which he felt bound to call the attention of the House: it was that of a Mr. Dennyson, who was a mate for seven years, and had been for sixteen years in the navy. In the performance of his duty he had dislocated his ankle-joint and fractured his leg, and was discharged subsequently from the hospital with a wooden leg. He was now performing duty on board, but with the greatest pain and difficulty; that gentleman was, however, capable of performing the duties of a higher office, to which he thought he ought to be promoted.

Mr. *C. Wood* did not think it expedient to refer to particular cases; but that which had been last mentioned was the case of a gentleman who met with an accident while in the service of the customs. This he could, however, say for the Admiralty, that when the case was brought before them by the customs it would be attended to. He assured the hon. and gallant Admiral (Sir E. Codrington), who had repeated the cases of some officers which had been before mentioned by him, that the gallant Admiral was much mistaken if he thought that these cases had not attracted the attention of his hon. Friend and himself.

Mr. *Hope Johnstone* referred to the gallant achievements performed by Captain Charles Napier, who had been in the service of the Queen of Portugal, and who had, he thought, some reason to complain of the manner in which his name and the services he had performed were introduced into the estimates. Captain Napier was an officer in her Britannic Majesty's service, and had a pension at the time that he entered into the service, of the Queen of Portugal. He was removed from the service of the King, and he also lost the pension allowed to him for the wounds he had received. On the arrangement of the affairs of Portugal he had been restored to his rank, but his pension was still lost to him. Captain Napier, in his opinion, complained with much justice of the manner in which his name had been brought before the public. Only a partial account had been given of his services, and upon his complaining of this he could obtain no redress. Captain Napier felt exceedingly jealous of his being considered a burden upon the country, unless the services he performed were so clearly stated that there could be no doubt about them. As this was the only opportunity on which he could make them known, he felt bound thus to make his appeal to the House.

Sir *T. Troubridge* declared that he only spoke what were the feelings of his colleagues when he declared his willingness to acknowledge to their fullest extent the gallant services that had been performed by his personal friend Captain Napier. In the notice that was given in the estimates not the slightest disparagement to his gallant exploits were intended; and if Captain Napier's wishes had been earlier known, there could not have been the least possible objection to their being put in the estimates. In the case of Captain Napier, as well as that of others, they had adopted as their model the forms employed in the army. All that was intended to be done was, not to put on record all the services of an officer, but such as were sufficient to justify his being put upon the pension list. Withresp ct to Captain Napier, he wished to add, that he (Sir T. Troubridge) had received a severe reprimand from the late Sovereign for attending a meeting in the city to vote a piece of plate to Captain Napier, and he begged to thank the right hon. Baronet the Member for Pembroke (Sir James Graham) for the courteous manner in which he had communicated that reprimand to him. He could assure the hon. and gallant Individual who had been so much spoken of, that it was far from the wish of the Lords of the Admiralty to keep back from the world a knowledge of the gallantry and bravery he had always displayed. On the contrary, it was their desire to reward them, and to give them that praise to which they were most strictly entitled.

Captain *Gordon* observed, that every person in the navy was an admirer of the gallant services of Captain Napier. He did not approve of what was called pensions for meritorious services. He was sure that it must bring complaints from many officers. He wished to know whether the pensions were confined entirely to merit?

Captain *Deans Dundas* joined most cordially in praise of Captain Napier and his services, and expressed a hope that he, as well as the gallant Member for Westminster, might be created a Knight of the Bath, an honour he well deserved, and which would be most acceptable to the naval service. He begged also to express his approval at the announcement of a commission to inquire into the state of promotion and pay of the navy and marines, and that that commission would also embrace the service pensions of those old and meritorious officers the major-generals of marines, and whose cause, he hoped, would meet with consideration and justice.

Admiral *Adam* must, he said, join in the expression of the opinions entertained with respect to the services of Captain Napier. The Board of Admiralty thought it would have been a work of supererogation to put in the estimates the services of that gallant officer, which were known to all the navy. They put in merely so much as would satisfy the House of Commons that they were justified in going down so far in the list of post Captains as the name of Captain Napier. As they could not give him the out-pension of Greenwich-Hospital, they wished to refer to facts which authorised them in giving him a pension. He referred to the names on the list, and he was sure it would be agreed upon all sides that they had acted with justice and fairness in placing them on the list. If they did not or had not acted with fairness in respect to this list, he hoped it would be stigmatised by the House of Commons. He was sorry to hear, from any one connected with the navy, that the present plan of pensions had created dissatisfaction. He heard of this for the first time. He wished to state that when officers had not an opportunity of performing a distinguished action they turned to see if he had not been eighteen years in command of a ship. The pensions which were submitted by the Admiralty had been prepared with great care and attention to the services of each, and he should be much surprised if they had not succeeded in their object of doing justice to all. He agreed with the hon. and gallant Member for Devonport that it would be very desirable that the mates should have retiring pensions; but a Commission was about to take the whole subject into consideration.

Captain *Wemyss* could assure the House, that Lord Exmouth thought Captain Napier's services of the highest order, and it was, therefore, hard that Captain Napier should be put on the 150*l.* list without his services being stated. He thought that but for the services of Captain Napier the Queen of Portugal would not now be on the throne of that country.

Sir *E. Codrington* said, that he, for one, thought the services of Captain Napier were such as fully to entitle him to be placed on the list; but there ought to be a statement of those services made, in order to put out of the question any jealousies that might otherwise arise.

Mr. *Gillon* thought, that the time of the House was wasted in discussing this particular point. He wished to call back the attention of the House to the real question before them. He could not understand why they should be called upon to vote 13,000 more men than during the profuse Tory administrations. Her Majesty, in her Speech from the Throne, declared that this country was on the most amicable footing with all foreign powers, and he therefore could see no reason for thus largely increasing our naval force. As he meant to propose several reductions of taxation, he felt bound to take every opportunity of putting it in the power of the Government to carry these reductions into effect.

Mr. *Langdale* said, that there was a subject which had been scarcely alluded to in this discussion, but which he thought it was right to mention, namely, the subject of impressment. He would not go into any long argument on this subject, except to state, that as he was prepared to vote for the abolition of impressment, he felt bound to take into consideration the necessity of increasing our force in the proportion that we deprived the Government of the means of assembling that force when any emergency occurred. It was dangerous to reduce the naval force of the country to such an extent as to be unable to collect a sufficient force when the necessity for so doing occurred. He was, therefore, prepared to vote for the whole amount of force proposed, as he should be prepared to vote for the abolition of impressment when the subject was before the House.

Mr. *Hume* should like to know how the service was carried on when they had 13,000 men less than they were now called upon to vote? He was as desirous as any man in that House to put an end to impressment, and,indeed, he might say, that very few had brought forward that question so often as he had. He was not one who would refuse encouragement to the sailor, on the contrary, he wished to see the discipline and pay such as to induce men voluntarily to enter the service. But would the extravagant vote proposed do any thing towards effecting this purpose? The House was called upon to vote for the service of the ensuing year 34,000 men, out of whom there were but 11,694 seamen; so that the whole naval force of England consisted in fact of 11,694 seamen. To what extent he would ask was this giving encouragement to the naval service? He would ask the House whether they were not in fact weakening themselves in keeping up a large establishment under the delusive idea of being always prepared to meet an enemy? The only effect of keeping up large establishments of this kind was to add to the half-pay list, thus encumbering the country, and preventing that House from paring down the establishments. He must complain of the manner in which promotion in the naval service was obtained. The public money ought not to be misapplied in the promotion of individuals who had nothing but their birth and connection to recommend them over the heads of more meritorious but less advantageously situated officers. He must, however, say, that it was not right to complain that justice was not done to the naval service, as the number of officers to seamen was altogether disproportioned. The number of officers was much too great. He saw no reason for voting 34,000 men, when in the six preceding years they had had but 26,000. The vote appeared to him extravagant, and he therefore felt bound to object to it.

Captain *Jones* said, that if the suggestions of the hon. Member for Kilkenny were adopted, it would prevent young men from entering the naval service.

Vote agreed to.

On the question that a sum not exceeding 112,637*l.* be granted for defraying the expenses of the salaries to the officers and the other contingent expenses of the Admiralty-office being put,

Mr. *T. Attwood* wished to put two questions to the Secretary for the Admiralty, namely: first, whether our channel fleet was at present in a condition to meet twenty-six Russian line of battle ships, if they should make their appearance? and, secondly whether our Mediterranean fleet was in a condition to meet sixteen line of battle ships of the same power, in case we wished to pass through the Dardanelles?

Mr. *C. Wood* said, he believed that we had not twenty-seven sail of the line afloat in the channel, but he doubted not that if the Russian fleet were to make their appearance there, we should be in a condition to meet them. With respect to the Mediterranean, he was inclined to think that the hon. Member had overrated the extent of the Russian fleet in the Mediterranean. He believed that they were only nine in number, and not sixteen. He believed that the British fleet on that station would be in a condition to meet the Russan whenever occasion offered.

Vote agreed to.

On the vote of 554,383*l.* for naval stores for building and repairing of the fleet, being proposed,

Captain *Pechell* took occasion to express a hope that means would be taken to provide swifter ships as cruisers after slavers; and that the captains of the British service should no longer be liable to see a slaver before them and not be able to capture her. An instance of the latter kind he remembered, wherein a ten-gun vessel, after giving chase for two days to a slaver without being able to overtake her, would have had to give up the pursuit altogether in despair, the slaver having got out of sight, when she fell in with another ship, named the Columbine, to whom she pointed out the track of the slaver, and who then pursued and overtook her. It was impossible that the slave trade could be successfully put down until this defect was remedied, and the ten-gun ships now employed in the service, condemned to the same fate as the slavers themselves, namely, sawed in two and pulled asunder.

Vote agreed to.

Several other grants were agreed to.

The House resumed.

HOUSE OF LORDS,

Tuesday, March 6, 1838.

MINUTES.] Petitions presented. By the Duke of RICHMOND, from the Guardians of the Poor of Henstead Union, in favour of the Bill for assessing the Owners of Cottages, and not the Occupiers.—By the Earl of RADNOR, from Highworth (Wilts), and by the Marquess of SLIGO, from a Religious Congregation, for the abolition of Negro Apprenticeship.—By the Earl of ROSEBERRY, from Stirling, against any further grant to the Church of Scotland.—By the Duke of DEVONSHIRE, from Derby, for a reduction of the rate of Postage.

IMPORTATION OF HINDOOS INTO GUIANA.] Lord *Brougham*:[*] If, my Lords, of all the subjects that ever engaged the atten-

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[*] From a corrected Report published by Ridgway, with the following Prefix, which we preserve, as it is connected with the Debates.

To ARTHUR DUKE OF WELLINGTON, K. G., &c., &c., &c.

The uniform candour which guides your public conduct, and so often makes you sacrifice what ordinary men would reckon fair party advantages, induces me to hope that you will listen to the earnest entreaty which I now make, that you would peruse the arguments and the statements of this speech, with the attention certainly due to the subject, though not to the speaker. If you do, I feel very confident that you will be disposed to admit that your moving the previous question upon my resolutions last night, was ill-considered; and even if you should not arrive at this conclusion, I still entertain the most sanguine hope, that a further attention to the subject will incline you to support the next proposition which may be brought forward upon the same matter.

There is but one meaning of a previous question. It never can with propriety be moved unless when the original motion was held to be irresistible on its own merits. Consequently, no Ministry ever before, within my knowledge, would consent to accept of an escape from a vote of censure by a proceeding which admits their guilt or their error, and only professes an unwillingness to condemn them. Unless the truth of the resolutions was undeniable, the previous question last night could have no meaning, and my motion should have been met with a direct negative.

The eagerness with which the Ministers caught at your offer of letting them escape, censured in substance, though without a formal sentence pronounced against them, provided they would adopt and enact your plan themselves, was very remarkable. But this made no difference in their former conduct. Nay, all the regulations which they can make must leave the worst parts of their whole error untouched; because they cannot make laws tion of this country and of its Parliament, the one which I am about to broach before your Lordships has been found to possess at all times the most commanding attractions; and if, after struggling in the public mind, and in the chambers of the Legislature through a long course of years, it at length ended in the most brilliant victory ever gained by truth for humanity and justice; I will venture to affirm that now, when we had been fain to hope the battle was won, the doom of the slave trade pronounced by the universal voice of mankind, and the state of slavery itself condemned, the only question being as to the precise moment for executing the sentence, the question of the traffic will be found to have lost nothing of its pristine and enduring interest, but that the attention of the world will be arrested and the feelings of mankind be aroused in greater excess than ever by the new ingredient mingled in the cup of bitter disappointment at finding our hopes still so far from realised, and marking the efforts once more making to revive that execrable traffic, which all men had believed to have been for ever destroyed. For when I look at this Order in Council and compare its frame, its professed object, its inevitable consequences, with everything that the history of the past has taught us of the slave-trade, I am compelled to express the bitterness of the anguish which fills my bosom on reflecting that towards the middle of the nineteenth century, full fifty years after that monstrous iniquity was dragged into the light of public discussion, and thirty years after we believed it extirpated from the British world, I am actually standing here to grapple with a measure which all but professes to plant it anew, and of necessity must have the effect of extending its range to coasts which hitherto it had spared.

But in thus coming forward no man can accuse me of proposing a censure against the Government without giving ample warning and affording abundant opportunity for escape or amendment. It is upwards of six weeks since I dragged to light this reluctant Act of Council—I say reluctant—because though passed in July last, not the least intimation of its existence was ever given by publication in the *Gazette*, the ordinary repertory of much less important proceedings of State. I am told, indeed, that it is the practice not to publish such Orders—but I am sure it is a course "more honoured in the breach than in the observance." For when we consider that such orders framed in private by the Minister, make the law of the crown colonies as absolutely as the law of England is made by the enactments, the open and public enactments, of King, Lords, and Commons, surely it is not too much to desire that those resolutions of the executive Government, thus private in their adoption, and it may be, little considered before made, should not be consigned at once to the council books, where they can only be accessible to the clerks, but should be promulged to the whole people whose interests they concern, whose conduct they govern. When I denounced this order, I stated shortly but distinctly, my reasons for condemning it; I showed in some detail how it must work, I referred to the former history of slave-trading to illustrate my meaning; and believing, or willing to believe, that it had been issued through inattention, or negligence, or indolence, or ignorance of the subject, I said, "Let it only be withdrawn, and I shall never again advert to the subject in any way—nor comment upon the issuing it—nor in any manner make it the subject of observation." I have waited since then, anx-

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for the coast of Africa or the settlements of foreign Crowns.

But if is certain, nay if it is admitted by yourself and others, that this order should not have been issued, at all events without guards and precautions, surely it was not expecting too much to look for an expression of disapproval from Parliament, when a measure for encouraging the slave-trade was brought before it. The character of the country and its success in all negotiations on the foreign traffic seemed imperatively to require that step.

I have in this address to your Grace employed not the language of panegyric, which you of all men would the most despise, but the language of truth, which you know well how to value. "The treachery which deceives is as criminal as that which would dethrone you,"—was the memorable saying of the great French orator to a Sovereign,[*] who loved the treason of pleasing flattery more than the loyalty of unpalatable truth.

It is a thing of the utmost importance to the honour and interest of the country, that one who stands in your pre-eminent position should, upon such a question as the slave-trade, have his eyes opened, in order that he may be found to side with all the other great statesmen of his age.

March 7th, 1838. BROUGHAM.

[*] Massillon—"La perfidié qui vous trompe est aussi criminelle que celle qui vous detroneroit."

iously looking for its recall; but I find my not unfriendly suggestion was thrown away, and that the measure is persisted in, maintained, defended by its authors. No man, then, can accuse me of having stood by while mischief was brewing, and only spoken out after it was done. No man can, without the most indecent disregard of truth, charge me, here, with crying "I warned you, when the event is o'er." And yet I have seen, what on no other evidence than the testimony of my own senses I could have believed, this charge made against me when it was just as false as it would be now. I have been vilely, impudently, most falsely aspersed, for standing by and saying nothing on the great Canada question—charged in the records of the Government press, with being like

> "Juggling friends, who never spoke before,
> But cry 'I warn'd you, when the event is o'er."

—Incredible!—but true! I have often heard it disputed among critics, which of all quotations was the most appropriate—the most closely applicable to the subject-matter illustrated; and the palm is generally awarded to that which applied to Dr. Franklin the line in Claudian, *Eripuit cœlo fulmen, sceptrumque tyrannis*—yet still there is a difference of opinion, and even that citation, admirably close, as it is, has rivals. But who has hit upon the most inapplicable quotation, no critic will hereafter presume to doubt. The Government scribe must be allowed by universal consent to bear away the palm of inaptness and falsehood from all his rivals, in the art of false quoting as of fabrication. So far from standing by till after the event, I addressed your Lordships and the Government as long ago as March last, and afterwards warned them with full reasons, and in much detail, both in my place and in an elaborate protest which yet stands on your journals to record the warning my voice had given. So far from waiting till the event justified my warning, and then, crying, "I warned you," I never even said so—never once, that I can recollect taunted them with having neglected my warning voice after the rebellion broke out of which I had bidden them to beware. If then, I now say that I do not expect any one will have the effrontery to bring a similar charge on this occasion, it is not because as great effrontery had not been displayed before, but because such audacity can hardly be repeated a second time by any one at so short an interval after a former exposure to the indignation and scorn of the world, under which, unless all feeling be extinct, its author must now be writhing.

I must now begin by shortly re-stating what I six weeks ago said of the nature and import of this Order in Council. An order of March, 1837, had sanctioned the Ordinance made by the Court of Policy in Guiana, with the intention of confining the period of apprenticeship to three years. In July, representations were made by some planters that if this term were not extended to five years, no man could possibly bring any labourers into the colony. No cargoes of human beings could be imported to share the lot of the half-freed slaves, by becoming indentured apprentices, if they could only be bound for three years. The papers on your table give both the memorials of the planters, and the statement of the colonial department, that with the request of the memorialists, they had complied, and for the reasons assigned in the memorial. My noble Friend (Lord Glenelg) says, in so many words, when announcing to the Governor of Guiana, the change made in the former Ordinance, that it was made, because without it the importer of such cargoes of apprentices would not find it worth his while to carry on the traffic, and that no apprentices, could be brought from the East. It was, therefore, avowedly for the express purpose, and with the deliberate intention of facilitating, of encouraging, of stimulating this traffic, that the law was thus changed. It was with the view of enabling those to carry on the traffic who otherwise could not do so, that the order was framed and issued, being, I think, about the first after the Queen's accession. This is the account given by the Ministers themselves of their own conduct, and of its motives. With their eyes open, in league with the planters, and to give every facility for the importation of apprentices into Guiana, they adopted this measure. It is easy, indeed, for them, and their West-Indian confederates to speak in soft language of bringing over free men—of introducing labourers—of increasing the number of hands employed—of enabling the owners of estates to find workmen as they wanted them. But I will tear away all these flimsy disguises—I will show you what it is that lurks under these fair words—I will demonstrate to you, and by facts, rather than by mere arguments, what every one of those whose acquaintance, with the slave-trade is the most enlarged and the most minute, who have for half a century and more been occupied in tracing it through all its forms, and pursuing it in each disguise which it unceasingly assumes—that nothing but slave trading is, and that nothing but slave trading can be, the meaning and the result of all that is thus doing.

And for this purpose I must first desire your Lordships to accompany me while I cast a retrospective glance over the sad history of that dreadful commerce, and to mark with me its origin and its progress in various parts of the globe. The task I know is painful; for we are going to contemplate by far the blackest page in the annals of our race. When the great satirist of England described our species, reduced by his sarcastic fancy to a diminutive stature, as the most vile, cunning, cruel, and detestable vermin that nature had suffered to crawl on and to infest the face of the earth—he was held to have presented an exaggerated picture of human vices, by those who remembered that he only professed to draw it from the court and the camp—the perfidies of politicians and the cruelties of soldiers. But if he had thrown into the canvass the crimes of sordid avarice, combining in one all the frauds that distinguish the one class with all the heartless cruelty ascribed to the other; if he had darkened his picture with that worst of all the monstrous births which that execrable vice has ever engendered—if his page had not only been disfigured with the details of the wholesale cunning and heartless ingratitude and mean trickery, that shine in the Statesman's life, and the reckless and desperate feats that mark the course of the warrior with blood, but been tinged with the far deeper dye of the African Slave Trade, combining within itself all the most infernal lineaments of human guilt—no tongue ever could have complained of the exaggerated terms which Swift has employed, and all would have confessed that the fidelity of truth had been the guide, and not the gall of misanthropy the distillment, of his pen.

It seems strange that a traffic of all others the most unnatural and the most revolting to our feelings, should, nevertheless, be found in every age and nation a practice among men, as if a propensity to it were inherent in the human constitution. Whether it be from the innate thirst of gain, or the irrepressible love of dominion, or the deep-rooted selfishness of our nature, anxious to save our own toil at another's expense—certain it is, that a traffic in the persons, liberties, labours, and lives of our fellow-men, is to be found in one age or another of society wherever men have existed. In the most savage state, the fruit of war is slavery, and captives become the property of the conquerors, to be used and to be transferred and dealt in at his pleasure. In the islands discovered by our illustrious navigator, and unvisited before by the foot of civilised man; slavery was found in various forms, sometimes the state of absolute bondage, sometimes of qualified vassalage resembling our indentured apprenticeship; and for a limited period of time as well as for life. Slavery, and a constant traffic in slaves, polluted the most refined states of antiquity; and in the days when this island formed but a remote and barbarous member of the Roman world, our coasts were ravaged by the heathen Slave Trade, as those of Africa are laid waste by the Christian commerce. Bristol, by a singular coincidence, since the great emporium of the African trade, and a principal wrong-doer in the modern enormity, was, in ancient times, a great emporium of the Roman Slave traffic, and a victim of the crimes she afterwards imitated in the days of her civility and refinement. The feudal times in the Western world, were familiar with slavery and slave dealing in all its forms. Every kind of bondage was then known. There was the *villein in gross*, liable to be possessed and to be dealt in as a beast or any other chattel—the *villein regardent*, *native*, or *ascriptus glebæ*, who could not be removed from the place of his birth, but belonged to the land and to its owner. The slave under a contract affixing terms and time, was also the growth of the same system which made so little of human rights and feelings, and gave to mere force so much dominion. The state of hired slavery and of apprenticeship, or a mitigated slavery, arising out of contract and for a consideration, whether of hire or of being taught some trade, was a genuine produce of feudality and its servile tenures and oppressive practices.

In the East, the history of our race presents the same features, excepting that the mild influence of Christianity was there wanting, and the perpetration of similar crimes was less inexcusable. To supply those countries with slaves the centre of

Africa was traversed by caravans, which carried her children into the more wealthy and civilised regions of Asia. But the life of domestic slaves mitigated the lot of those captives—living in the houses of their masters, and sharing in his comforts—little exposed to extremes of climate—hardly ever doomed to severe toil—often admitted to confidential stations—not unfrequently rising even to high employment—they tasted as little of the bitterness of slavery as is compatible with the mildest form of that always bitter cup. But an event now happened, which gave to slavery an aspect far more hideous than it had ever before worn even in the most barbarous regions, and in the darkest times.

Then succeeded things, the record of which tinges with its deepest shades the darkest page in the history of man; and yet that page was next to the most brilliant by far of the eventful volume. As if to bring down Spain from the summit of glory to which her fame had been elevated by the daring genius of Columbus, she plunged into an abyss of crimes, and mingling all perfidy with all cruelty, the sordid thirst of gold with the inhuman appetite for blood, enacted such scenes as have called down upon the Spanish name the reprobation of the world, and as the just execration of centuries have left still inadequately condemned. The simple, unoffending Indians were seized upon, distributed in lots like cattle, like cattle worked, but not spared like cattle; for they were worked to death by their hard task-masters exacting far more than their feeble frames could sustain. Nor was it till the total extirpation of their race approached, and there seemed reason to fear that the field could no longer be tilled nor the mine explored to allay the fierceness of Spanish avarice, that a thought was given to their sufferings, or the means sought for their relief. The substitution of African for Indian labourers, was the expedient resorted to by an unnatural union between short-sighted philanthropy and clear-sighted interest; and out of this union was engendered, and under this appellation was cloaked, the monster which we have since learned to loathe and detest as the African Slave Trade. The course taken then, at the beginning of the 16th century, was the same with that which, in this country, was pursued last year. Memorials were delivered in to the Colonial-office in the Downing-street of Madrid; representations were made that the decrease of the Indians had begotten apprehensions of the hands no longer sufficing for the work of the West-Indian estates; the necessity was urged of introducing into the West, labourers from the East, (as the process was termed in either case), and the facilities were asked, which Government alone could give, to favour this important operation, on which it was alleged the fortunes of the planters, and the fate of the Colonial empire depended. I might easily, from these papers before you, cull out the very expressions used in the correspondence between the parties at Madrid. In neither the 16th century nor the 19th, were the terms of Slave-trading, or any thing equivalent, employed: but in both instances, it was the supply of hands, the introduction of labourers, the encouragement of emigrants, the obtaining of workmen—phrases which dance through these despatches in various collocation, and in apparently innocent array. To this scheme a man lent himself, whose name will descend to the latest ages, as a pattern of persevering and disinterested benevolence, and a monument of its uselessness, nay, its mischiefs, if the good-will only exist, and is not under the control of sound reason; a lasting proof, that to serve mankind, the act must keep pace with the intention. Bartholomew de Las Casas was that ill-judging and well-meaning philanthropist, who, having devoted his blameless life to mitigating the sufferings of the Indian, could see nothing but charity and kindness in relieving him by substituting the hardier African in his stead; and he joined with the planters in the application to the Colonial Secretary of the day, for so the Prime Minister of Spain may well be called, as American affairs formed the bulk of his administration. But in Cardinal Ximenes they found a statesman of equal humanity and wisdom; he agreed with the benevolent "Protector of the Indians," in desiring to relieve that injured race, but he said that he understood not the left-handed, one-eyed philanthropy which would take the burthen from the shoulders of one people to lay it still more heavily on those of another; and that the speculation in African labourers should receive no aid from him. This sagacious statesman, however, was now in the extremity of old age; on his death the young Emperor took the helm of government into his own hands; ignorant of colonial affairs, and surrounded by Flemish councillors who knew no better, he listened to the plans of the speculators; he granted a patent for the yearly introduction of 4,000 negroes, and thus laid the foundation of that regular slave-traffic which had before only occasionally, and on a very trifling scale, been driven by a few Portuguese settled in the Brazils. Thus was established that infernal policy which for above three centuries has been the scourge of Africa. After it had desolated that unhappy continent for many ages, by the blackest crimes ever committed systematically by men, there happily arose in this our country a man, who to the pure benevolence, the pious zeal, the inextinguishable love of his fellow creatures, the indomitable perseverance of Las Casas, united the only merit which was wanting in his character, a strict love of justice and a sound judgment, the guide of his principles and his conduct. Need I name him whose venerable form already stands before you, even in my feeble picture? Thomas Clarkson yet lives, till lately happy in the reflection that he first brought to light the horrors of the African traffic, but now is tasting, with all the surviving friends of the abolition, the bitter mortification of finding that their labours are to begin again, since the Government has become the patron of a new slave trade; and there is, I tell you plainly, but one opinion and one feeling pervading every place where an abolitionist is to be found, and that is the opinion and the feeling which all have urged me to lose not a moment in expressing to your Lordships. With Thomas Clarkson, and with his early associate, the learned, pious, and truly humane Granville Sharpe, was joined, soon after, another, and their most powerful fellow-labourer, Mr. Wilberforce, whose name will be revered as long as wisdom and eloquence attract the admiration, or virtue and piety command the love, of mankind. He it was who brought the slave trade before Parliament for trial. And now let us attend for a moment to the way in which the traffic was defended, because we shall find the self-same topics adduced, nay, and the same language used, as are now employed to defend the present measure.

The slave-trader took high ground. He was not to be cowed by the big words of the philanthropists; he would not be put down by senseless clamour, or silenced by the cry of mistaken humanity. The threats of the abolitionists should not drive him from his honest occupation, nor the calumnies of his adversaries destroy an important branch of trade which (and here I blush to say he did speak the truth,) the Legislature had sanctioned, and even encouraged. He would show, tha· the African was happier by far in the West Indies than at home; that he was not stolen and carried over by force, but rescued from murder, or, if not, from a more cruel slavery in Africa; and that this great branch of commerce, this importation of labourers, as it was called both in 1788 and 1838, proved no less beneficial to the continent they were drawn from, than to the islands they were brought to cultivate. Thus General Tarleton asserted, that the Africans themselves had no objection to the slave trade—complained that people were led away by a mistaken humanity — affirmed that the greatest misrepresentations were abroad—denied the miseries of the middle passage, in which he said only five in 500 died, while ten and a-half per cent. perished of our regiments on board of West-Indian transports —and cited in proof of the happiness and comfort of the negro slave exceeding that of the English peasant, the authority of a governor, two admirals, one captain, and a commodore — all naval officers being through the whole controversy friendly to the slave-trade, and willing witnesses to the blessings of negro slavery in the West Indies; as military men, who saw far more of those blessings, were generally observed to take the opposite side of the question. The report of General Tarleton's speech I take from the Parliamentary history for 1791; but Sir William Young's, which follows, bears internal evidence of having proceeded from his own pen, for I am very sure no reporter in modern times ever used the words "hath" and "doth," as this account of the worthy Baronet's speech does throughout. "Far be it from me," says he, "to defend a traffic in human beings." But then he did not regard the African commerce at all in that light. He denied that a system of kidnapping supplied the slaves. They were captives in war, or they sold themselves into bondage; or were men who must perish in a famine, or be murdered by wholesale at the funeral of their chiefs, but for the tender mercies of the Liverpool trader, who rescued them from hunger or the sword. Then to cultivate the colonies without this trade, was wholly impossible; the decrease was two or two and a-half per cent. a-year in the slave population, the same proportion as I find now given in the papers before us; but in one colony especially, this necessity is so strongly represented, says Sir William, that he who runs may read. And what colony, think your Lordships, is that whose cry for more hands—new workmen—a supply of labourers from the East—went up so loudly half a century ago? Why, the very colony of Guiana, upon whose demand and for whose use the present Order in Council is framed! But there is this difference, that in 1791, Africa alone was required to supply the wants of Guiana; whereas we are now extending the drain to all the territories within the East-India Company's charter. General Phipps and others contended that all Africans were slaves; that the traffic was supplied in almost every instance voluntarily, not by kidnapping; and that the negro was far better off in our islands than in his own country. It never struck these advocates of crime that the poor African, who had never seen the ocean, could by no possibility form an idea of the suffering he was about to endure, or the scenes into which he was to be conveyed; and that to give him any such notions would have been as difficult as to make him comprehend the transactions of another planet. Memorable were the words of Mr. Pitt;—memorable the sudden reply with which he swept all those sophistries away! Would that his awful voice could now sound them in his successor's ears! Would to God that he were still among us to make these walls echo the language of his indignation and chase away at once and for ever the miserable pretences, the shadows of an excuse urged for these abominable proceedings! "Alas! alas!" (said that great man) you make human beings the subjects of your commerce, as if they were merchandise, and you refuse them the benefit of the great law which governs all commercial dealings—that the supply must ever adapt itself to the demand." But on the slave-traders all appeals to reason, or to feeling, were thrown away. The very next time that the subject was brought before Parliament, we find them reiterating their assertions, that no wars and no kidnappings were caused by the trade, and their contrasts of West-Indian happiness with African distress. Alderman Brook Watson, representing the great city of London, was heard to avow, that were humanity concerned in the abolition, he should at once support the measure, but it was all the other way—the negro being removed from a worse to a better state. Your Lordships will give me credit for not adverting to a topic urged, hardly to an expression used, in these memorable debates for the support of the slave trade, to which a match may not be found in the papers before you upon the proposed Guiana importation. The worthy magistrate's comparison is paralleled by a similar contrast in the papers between the state of the Coolies in Asia, and after their removal to the Mauritius.

The Alderman too, like my noble Friend (Lord Glenelg) and his West-India allies, had no kind of objection to regulate the trade. No one who defended it ever had. From 1788 to the period of its extinction, I never yet found one either of those engaged in it, or of those who defended it, make the least objection to put it under as many regulations as the wit of man could devise. And why? Because these men knew, what we too know as to the new traffic sanctioned by Government, that all regulations must of necessity fail and go for nothing—that all efforts to prevent the abuses with which it is inseparably connected, of cruelty and fraud both in procuring, and in conveying, and in employing the slaves or apprentices, must infallibly fail, if the regulations were devised by the wisdom of an angel. But again, they said in 1791 as they say now—"You need not be disturbed as to treatment on the voyage; trust to men's interests if you won't confide in their honesty and humanity"—and surely, said Lord Penryn, then member for Liverpool, it is the trader's interest to carry over as many Negroes in a healthy state as possible. Such was the reasoning by which we were argued out of a belief even in the horrors of the middle passage; such the grounds on which were denied all the atrocities—the torments—the murders of which the slave-ship is universally the scene, and on which those men expected to make the world reject the frightful history of those prodigious crimes as the fabrications of calumny, or the creatures of a distempered imagination. I shall presently show you that already the new traffic encouraged by our Government and incapable of being driven at all without its help, has led to scenes of nearly the same description, and which before long will almost equal the horrors of the middle passage itself.

The same advocates of the traffic have recorded their defence of slavery and slave-trading in their works. I have this morning refreshed my recollection of Sir William Young's writings, by reading his West-Indian Tour, undertaken immediately after the debate of which I have given you an abstract. In St. Vincent's he says to a friend, the day of his landing, that far from the slaves being an oppressed race, the proudest human being he ever beheld was a Negro woman. After passing the winter months there, he exclaims, "All you know in England of jolly Christmas falls very far short of the Negro's three days' Christmas in this Island." He visits a slave-ship just arrived, and vows he can see nothing unpleasant belonging to it. The slaves laughed and joked with him, he says, like a Davus of Terence. Indeed he is fond of adorning the West Indies with classical illusions, having himself written a very poor history of Athens. The squares and streets remind him of the Forum and great ways of old Rome, with groups of slaves here and there. He goes to Antigua, and there the slaves dance with more spirit and grace than the most fashionable circles in England. In Tobago it is still the same happy scene. "The Negroes seem treated like the planter's favourite children." I dare to say in one respect the love of the parent was conspicuous enough—I mean in not sparing the rod.

Such were the pictures of slavery comforts, of Negro happiness, with which the patience of the country was worn out, and the reason of Parliament beguiled for many a long year; and such the arguments by which men were persuaded that there was something wholly unreasonable in the objections we were always urging against wholesale robbery and cruelty and murder. Nevertheless our strange and paradoxical opinions daily gained ground. The carrying over 70,000 or 80,000 human beings from their own country to labour in America, of whom above 15,000 were brought to our settlements, began to be universally reprobated. Men came to feel that such a traffic could no longer be suffered, whether the objects of it were termed labourers, or apprentices, or more fairly and honestly, slaves. We were no longer described as visionaries and theorists. Our statements were no more regarded as fictions or calumnies; and, at length, in spite of every attempt to ward off the blow, the doom of the traffic was pronounced, to the immortal honour of the Cabinet of 1806, with which it may seem unaccountable, but is yet true, that some of the present Government were closely connected. Lord Grey, in concert with Mr. Wilberforce, brought in the Abolition Bill, and thus performed what I really think, and I believe my noble and most valued Friend himself considers, the most glorious act of his long, useful, and brilliant public life. It was passed by the greatest majority ever known on a great measure long the subject of controversy. The Commons, by sixteen to one, sealed the fate of the slave-trade.

The predictions of the planters, that the Negroes must decrease, continued to haunt them for some years, and various schemes were proposed for keeping up the numbers of labourers. This led Mr. Barham, in 1811, to propose the introduction of free labourers from Asia, and his motion forms the next event of importance in this history. He was one of the very best masters, and most successful planters in Antigua; and his proposal was rested wholly upon motives of kindness towards the slaves. These being, as he thought, reduced in numbers while there was the same work to perform, in consequence of the embarrassments of West-Indian property not permitting the produce to be diminished which went to satisfy creditors, there seemed reason to apprehend the effects of the Negro labour being so much increased. The reception of this plan in Parliament was very remarkable. Mr. Anthony Browne, then and now the respectable agent for Antigua, cautioned the House against being led astray by its feelings in behalf of the slaves, to sanction an impracticable and visionary scheme. But Mr. Stephen gave it his decided opposition upon higher grounds. Now, than Mr. Stephen's, there can no higher authority be cited on slavery and slave-trading, and every thing connected with these subjects. He had long made them his study; he had been at all times the zealous co-operator with his Friend and brother-in-law, Mr. Wilberforce, in the Abolition Committee; he had passed the best years of his life in a slave colony, St. Kitt's; and since his return to Europe he had never ceased to watch over every branch of the great questions connected with West-Indian affairs. His resistance to the proposition of introducing free labourers into the Colonies, as it was called then and is called now, was grounded upon the injuries thus certain to be inflicted upon the people whom it was proposed to transport from Asia; and Mr. Huskisson adopting the same views, opposed the project upon the same grounds

An accident prevented Mr. Canning from attending this debate, as absence from town upon the circuit kept me also away from it. I felt exceedingly anxious when the subject was announced, and when I saw that eminent person after the Committee had been appointed, I found he viewed the subject in the same light with Mr. Stephen and myself. No, no, said he, it is enough to have desolated Africa, without introducing this pest into Asia too.

The next circumstance to which we must look in pursuing this historical retrospect, is the traffic which for some years has been going on between India and the Mauritius; for it is to the alleged success of this experiment that we are desired to look by the patrons of the new scheme—the Government and the Guiana planters. I own that I regard whatever relates to the Mauritius with extreme jealousy in all slave questions. There is no quarter of the globe where more gross abuses have been practised—nay, more flagrant violations of the law, from the eager appetite for new hands which the fertile land excites in the uncleared districts of that island. It was in 1811, that I had the happiness of passing the act through Parliament, declaring slave trading to be a felony, and awarding to it the punishment of transportation. Some years afterwards it was made capital. Yet in spite of this penal sanction, the Mauritius planters were audacious enough to introduce by slave traffic so many Africans, that Sir George Murray, when Secretary for the Colonies some time back, admitted 25,000 at least to have been thus brought thither from the coasts of Africa. No less than 25,000 capital felonies had thus been perpetrated in the course of a few years by those sordid and greedy speculators. The position of the island is singularly adapted for carrying on this detested commerce. Near the continent, and near that part of it where we have no settlement, and keep hardly ever any cruisers, no effective check upon such operations can ever be maintained, if the authorities in the island itself do not exercise the most vigilant attention; and there is but too much reason to suspect, from what came out in Mr. Buxton's Committee, that instead of watching, they connived at one time, while some high in office encouraged the offenders and even partook in the fruits of their crimes. Doubtless, if the Guiana Order in Council is suffered to subsist, a like privilege will be extended to this island. But in either case the African coast is under the operation of this new traffic. That order comprehends it in terms the most distinct. Nor does it only open the trade to

"——— them that sail
Beyond the Cape of Hope, and now are past
Mosambique"—

It stretches along Sofala, and to Guardafui and Arabia — comprising all the Asian Islands—

"Ceylon and Timor, Ternate and Cadore."

It then includes the whole coast of India, and all the regions of that vast domain, stretching

"O'er hills where flocks do feed, beyond the springs
Of Ganges and Hydaspes, Indian streams."

All those plains and mountains—all those ports and bays and creeks, long lines of sea-beach without a fort or a witness, a magistrate to control or an eye to see what is done — from Madagascar to the Red Sea—from the Arabian Gulf along Malabar, to Travancore, thence from Comorine to the mouths of the Ganges, and of all the unknown and unnamed streams that water the peninsula and flow into the Indian Ocean. It is in such vast and such desolate regions that we are to be told this order will never be abused, and none be taken by force nor any circumvented by fraud. When in the heart of Europe, with all men's eyes to watch him and his agents, the king of Prussia could drive his trade of a crimp and fill his army with recruits spirited away from the banks of the Rhine, populous, civilised countries, enjoying the blessings of regular government, the protection of a vigilant police, and entertaining ambassadors at the court of Berlin—when that monarch could, in such countries, and in the face of day, carry off the priest at the altar, and the professor at his desk, from the countries on the Rhine, the Moselle, and the Oder, and these reverend and learned recruits were for months afterwards found carrying his firelocks, and serving in his ranks—how can the folly be sufficiently derided which represents it as difficult to abuse this abominable regulation, and make it the cover of common slave trading in the remote desolate countries watered by the Niger, and the yet more deserted shores of Eastern Africa, through which nameless rivers flow into the sea? The order was passed without a single regulation being subjoined, either here or in the East Indies, to prevent such abuses or to limit their amount. But to speak of regulations in such circumstances, is too absurd. What regulations can the wit of man devise which can have any effect at all? Nay, in the very places where the abuse is most likely to occur, you have not the shadow of authority to make rules. How can you legislate for the slave-dealers on the eastern coast, north of the Cape? Yet there the worst branches of the old slave-trade at this moment exist. I saw only yesterday a person who had been present at the capture of a Portuguese slave-ship, which had sailed from the coast of Zanzebar, with 800 negroes on board, and lost above 200 before she reached her port of destination in the Brazils. Let it not then be said that regulations may be devised for preventing abuse. But none have been attempted or thought of. The wretched beings, apprentices you call them, are to be carried without a word said specifying the tonnage, regulating the space for accommodation between the decks, fixing the proportion of water to drink, or provision to sustain life, ordering medical attendance, directing the course of the voyage, or limiting its duration. The order was issued here in July, before it could possibly be known that any law had been promulgated in Bengal, for the date of the Bengal regulation was May 1, and it was sent over on the 7th of June. That regulation, too, was, and still is, confined to the presidency of Fort William. Nay, more, it is altogether silent on every one of the important particulars which I have mentioned, and merely prescribes in vague and general terms that the parties interested in disobeying it, and on whose conduct it sets no kind of watch, shall attend to the comforts of the crew and cargo.

Contrast now, this legislation of the Crown with the enactments of the Parliament when giving laws, I will not say *in pari materiâ*, but on things incomparably less demanding legislative care, because hardly liable to any of the like abuses. A band of emigrants are about to leave their native country, and seek their fortunes in the western world. They are civilised men—well acquainted with all that regards their voyage and destination—generally well informed—nay, compared with the Coolies of Bengal, or the Negroes of the Mozambic coast, I have a right to say accomplished persons. In the Thames, or the Mersey, or the Severn, the gallant ship that is to convey them forth is ready—her crew on board—her stores taken in—her anchor a-peak—her sails unfurled. Every passenger is there, and as the favouring breeze sounds through the cordage, all are more anxious to go than the captain of the vessel to make sail. Shall she go? The fore-top-sail dangles from the mast in token of her readiness to drop down the river if she only may. Shall she go? No. The Act of Parliament interposes. The Act of Parliament says, No. The Act of Parliament commands, under penalties which may not be risked, that she shall stay and be examined. "Come ashore, thou captain, says the law of the land, and show thyself worthy to take charge of so many British subjects on the ocean. Come ashore you crew, and muster, that the equipment be seen sufficient. Come ashore, thou surgeon, and prove by the testimonials of Surgeons' Hall the requisite fitness to be intrusted with the health of this emigrant people!" But, at least those emigrants may remain on board. They are of mature age—fully aware of their own intentions—well fitted to look after their own interests, and guard themselves against all fraud. They may keep in the births where they are counting every minute an hour that is lost of the propitious wind which shall waft them to the wished-for region of all their hopes. They surely may remain in the ship. Again the Act of Parliament says, No. Still it calls aloud, "Come on shore, you emigrants that you may be mustered, and the King's officer who marshals you examining into each man's case may ascertain that none are carried forth against their will, and that no fraud, nor circumvention, nor delusive misrepresentation has been practised upon any." And whence all this jealousy, this excessive care, which seems even to protect men from the consequences of their own imprudence, and almost interferes with their personal liberty in order to make their maltreatment impossible? It is because the law was framed by wise and provident men, who had well weighed the importance of throwing every obstacle in the way of sordid cunning, and had maturely calculated the hazards of deception being practised, and abuses of every kind creeping into a traffic so little in the ordinary course of human affairs as the removing masses of the people from one hemisphere to another. It is, because the laws so jealously guard the safety of the subject, that they will take every elaborate precaution to exclude even the possibility of a single person being entrapped, or inveigled, or spirited away, lost amongst a crowd of emigrants, whose general information about all they are doing—whose general design to go—and of their own free will to go—and with their eyes open to go—no man who ever made these laws ever doubted for an instant. Therefore are all these regulations prescribed, with the additional penalty of no less than *500l.* for any passenger taken on board in any place where no Custom-house stands, and no officers are ready to perform the examination—lest peradventure a single Englishman may by some improbable combination of accidents be kidnapped and carried, innocently or ignorantly into a foreign land. And then comes my noble Friend (Lord Glenelg) with his Order in Council—his crown-made law—to encourage the shipment, not of enlightened Englishmen, but simple Hindoos and savage Africans, in distant, desert coasts, in remote creeks and bays of the sea, laid down in no charts, bearing no name, at the mouth of rivers which drain unknown regions far inland, and carry down their streams the barbarous natives to an ocean which they had never beheld. Knowing the watchful care, the scrupulous and suspicious jealousy of the English law made by Parliament on all that relates to the emigration of our own civilised people—knowing that the shipper would be ruined who should suffer an Englishman to embark of his own free will, and more desirous to go, than he to take him, where there was no Custom-house officer to watch the operation—my noble Friend makes his colonial law with the avowed purpose of enabling thousands and thousands of simple, ignorant, uncivilized men to be taken in any speculating trader's vessel, in obscure, nameless places, where, instead of revenue establishments and public officers, being stationed, the footstep of no European, save the slave-trader and the crimp, ever was known to have trodden since the creation. The law made by Parliament suspects all engaged in the trade of emigration, even from the city of London, and the lawgivers have framed its enactments, on the assumption that abuse and offence must come. The law of the Colonial-office suspects no one, even of those who navigate the Indian seas, and sweep the coasts of Southern Africa—it proceeds upon the assumption that neither abuse nor offence can ever come where the temptation is the strongest and the difficulty of prevention the most insurmountable. The Parliament adds regulation to regulation for securing safety where all men's eyes are directed, and nothing can be done unseen. The Colonial-office despises all regulations and trusts the slave-trader and the crimp where no eye but his own can see, and no hand is uplifted to restrain his arm.

But let us turn towards the place of destination, and see what the consequences will be of this scheme, even if nothing illegal shall be done—if the most strictly correct course of conduct be pursued by every one engaged in the new traffic—if nothing whatever is done but introducing a number of apprenticed labourers into the West Indies, all of whom go there knowingly and willingly. Let us see the consequences to the negroes who are already there, who are now apprentices working partly for wages, and whose complete emancipation is approaching. On the 1st of August, 1840, as the law now stands—on the 1st of August, 1838, as I fervently hope—the whole of these poor people will have the command of their own time, and the right to derive from their own labour its just reward. Then see how you are treating them! Just at the moment when their voluntary industry should begin to benefit them, and the profits of their toil no longer belong to their masters—just as they are about to earn a pittance by the sweat of their brow, wherewithal to support themselves and their families—just at that instant comes your Order in Council to prepare for them a competition, with crowds of labourers brought over by wholesale from the East, and able by their habits to work for little and live upon nothing. You let in upon them a supply of hands sufficient to sluice the labour-market and reduce its gains to the merest trifle, by this forced and unnatural emigration thither of men habituated all their lives to subsist upon a handful of rice and a pinch of pepper. Can anything be conceived more cruel and unjust? This is the avowed object of the whole proceeding. It is stated in express terms by the planters, whose representations obtained the Order in Council—"The emancipated slaves (say they, p. 25) are very likely to form combinations for the purpose of restricting the ordinary and necessary periods of labour, as well as to compel the planters to pay them wages at rates, much above their means and ability to comply with."

Do, I beseech you, my Lords, let us

make the case our own. Suppose such an experiment were tried for lowering the wages in Kent, or Essex, or Sussex, by the planters there, who are always complaining of their high rents and low profits. Suppose in that county, happy under the mild government of my noble Friend (the Duke of Richmond) the rumour should spread, of 3,000 or 4,000 coolies being expected there, men who could work for twopence and threepence a-day, and be better off than in their own country—that the colonial office were petitioned by the Sussex farmers to give such facilities as were necessary to make this importation practicable—that the farmers were persuading the Secretary of State and his Under Secretaries, of the benefit this help must prove to the over-worked day labourers of the county—and that the measures required by the speculators were about to be adopted so as to make the operation feasible —I won't say, that the Sussex peasantry would instantly meet and mob and riot and threaten the castle of my noble Friend and the office in Downing street; but I venture to assert that my noble Friend, with a train of all his deputy Lieutenants, and magistrates, and squires, and clergy would speedily darken the doors of that department, and that to issue the dreaded order would become an absolute impossibility. Nothing could ever make its issuing possible but its being secretly agreed upon and passed without any publication in the Gazette, and as soon as its existence became known its recall would be matter of perfect certainty. Surely, surely, the unhappy African has been treated at all times as never race under the sun was suffered by Providence to be treated. All men and all things conspire to oppress him. After enduring for ages the most bitter miseries of slavery, privations unexampled, hardships intolerable, unrequited toil, he is at last relieved from his heavy burthen, and becomes a free labourer, ready to work for wages on his own account. Straightway he is met by myriads of other labourers not naturally belonging to the soil or climate, and habituated to the lowest hire and the scantiest and the worst sustenance, and after having been so long kept out of the hire he earned by the bondage of his condition, he is now defrauded of it by the craft of his former master, in revenge for his tyranny being at an end.

But this is the very least part of the evil inflicted by the measure; this is taking the argument on the lowest ground. Look to the inevitable consequences of the system upon the Eastern coast of Africa, and all our Indian dominions. The language used by its patrons and their abettors in Downing-street, is just what used to be heard in the days of open slave-trading. "We wish to bring over a number of labouring people from Asia," says one planter—"We contemplate drawing a supply of labourers for our estates," say others—respectable men, whom I personally know. It is "the engaging of labourers," according to the President of the Board of Control, under whose protection India is placed; while the Colonial Secretary, under whose care all our other settlements repose, speaks of the "Emigration from India" and "East-India Emigrants." The voyage which brings these poor creatures from the indolence of their native plains to the hard and unwholesome toils of Guiana, can hardly yet be described as proving an agreeable passage, for time has not yet been allowed to carry any over. But the experiment already made in the Mauritius furnishes the means of commendation, and that passage has been distinctly termed by the schemers one of no suffering, but of sufficient ease and comfort to the cargoes. So they have described the change of the Coolie's situation as beneficial to him. "They are represented," (it is said, p. 23,) "to be much pleased with their new situation, it being considered by them as more desirable and beneficial than that from which they have been removed"—in the very language, your Lordships observe, of the slave-traders and their defenders fifty years ago. The experience of the Mauritius planters is in these papers cited at large, and paraded through many a long page, to shew how happy is the lot of the transported labourer in the bondage of that blissful land. The queries sent to various proprietors are given at length, with the answers returned by them. The fourth question, as to the comforts and happiness of the imported apprentices, is answered alike by all but one—from whom the truth escapes. The others say, the men are quite contented and happy, exactly as Sir William Young found the African slaves in the Leeward Islands. They represent, too, the Mauritius negroes as quite pleased with their new help-mates; and, in short, never was such a picture of felicity in that island, since those halcyon days, when 25,000 capital felonies were perpetrated by the importation of as many labourers—

days, which it was feared had been gone never to return, but which this Order in Council fills the Mauritian bosom with hopes of once more living to see restored. That one planter, however, gives a somewhat different account of the matter. "Has any feeling of uneasiness and discontent been observable among the Indian labourers on your estate as arising out of separation from their families, or from any other similar cause?" The answer is signed Bickagee; and this name seems to indicate a Malabar origin; so that probably the reason why the account is so different from that of other proprietors may be that Bickagee could converse with the poor Indians in their own language, as another witness who gives a similar account certainly could. The answer is, "Yes; and for these reasons—In their country they live happy and comfortable with their wives and families on three or four rupees a-month. They engage to leave their native country on a small increase of salary, say five rupees and rations, in the hope of receiving the same comfort here, but experience has proved the reverse. Uneasiness and discontent arise from these privations, besides their being deprived of the holidays their religion entitles them to." (p. 83.) So Mr. Scott, a gentleman resident in Bengal and acquainted with the people, their language, and habits, plainly says, that "with very rare exceptions he doubts if there are any who congratulate themselves on the bargain they have made." (125.) He makes an observation of much wisdom upon the inefficacy of all regulations respecting treatment, and of all conditions in contracts for apprenticeship. "The main result of my inquiry," says he, "leads me to the conclusion that the condition of the labourer practically depends on the individual character of his employer, and that the terms of the agreements are trifling compared with the spirit in which they are interpreted."

But let us look to the far more pressing consideration of the way in which these poor people are brought over from their own country; for upon that two very important matters arise out of these papers, and especially Mr. Scott's report. I must, however, first turn aside for a moment to show your Lordships that the abuses of the measure had not been unforeseen. My noble Friend himself at one time was awake to this important consideration. He could see it in the measures of others, but in his own all such suspicions are lulled asleep. When he first received the Ordinance made by the Court of Policy in Demerara, he at once warned them against letting it become the cover for slave-dealing, describing it as essential that no apprentice from Africa should be brought over. His words are remarkable, and I apply them distinctly to the measure of my noble Friend himself, now under your consideration. "If (said he, in a despatch dated October 3, 1836, p. 11) labourers should be recruited on any part of the African coast, the consequence would inevitably be direct encouragement to the slave-trade in the interior, and a plausible, if not a just, reproach against this country of insincerity in our professions on that subject." A plausible, if not a just reproach! Truly, the reproach is still more just than it is plausible; and so my noble Friend's Colleague (Lord Palmerston), under whom the foreign concerns of this country flourish as much as our colonial affairs do under himself, will find in the first attempt which he may make to treat for the abolition of the foreign slave traffic. I can tell him that far less ingenuity than falls to the lot of Spanish, and above all Portuguese, negotiators, will be required to shut his mouth with this Order in Council as soon as he tries to open it against the Portuguese or Spanish enormities which all England and both Houses of its Parliament are vociferously urging him to put down. They will hold, and truly, that they have a just right to tax us with insincerity, and with fraud and dishonesty, if, while we affect to reprobate slave-trading in them under its own name, we continue to carry it on ourselves under false pretences, and by a false and borrowed title. As long as Africans are brought over under the vile Order by the name of apprenticed labourers, it is still more just than it is plausible to accuse us of that insincerity and those frauds; and how does my noble Friend (Lord Glenelg) escape the charge? By a regulation which he adds to the ordinance, and which I pledge myself instantly to demonstrate does nothing whatever to prevent the very thing here denounced. Nothing of the kind, absolutely nothing has been done by the additional provision of my noble Friend. For what is that provision? You will find it in page 21, and it only makes indentures of apprenticeship void if executed in Africa, or the adjacent islands inhabited wholly or in part by the negro race. Why, what signifies that? Who is prevented by such a flimsy folly as that article from carrying over as many Africans as he pleases, and in whatever way he likes? To escape this most ridiculous check, the slave-trader (my noble Friend himself calls him by this name) has only to take the negroes on board of his slave-ships and there execute their indentures, or to Brazil, or to Cuba, or to Monte Video, or, indeed, to Guiana itself; and then he complies with the conditions of this inconceivable restriction, and imports as many negroes as he pleases, and can afford to buy. To be sure, there is added another provision of the same notable kind, requiring that all contracts be made and witnessed before two justices, or, it is added, magistrates. What then? The slave-trader has only to carry his prey, his human victims, to the Mauritius, where he will find two, aye twenty, magistrates full ready to help him, and to do anything for the encouragement of the business there most popular, the slave-trade; or if it be the western coast of Africa which he has been desolating with his traffic, under the encouragement of this Order in Council, he has only to touch at the Brazils, where all slave-traders are at home; or at Monte Video, where the governor took a bribe of 10,000*l.*, to allow, in the teeth of the Spanish law, 2,000 slaves, which he termed in the language of these papers and this Order in Council, labourers, to be introduced; or at Cuba, where the governor does not suffer the sailing of slave-ships to be announced in the newspapers, for fear of our cruisers being thereby warned and stopping them. In all these slave-trading ports, justices, and magistrates, and governors too, will ever be ready to witness indentures for Guiana, and make this most ludicrous provision utterly void and of no effect.

But the despatches of my noble Friend are not the only documents which shew that the abuses of this intercourse have been alluded to before now—though no precautions whatever have been adopted to prevent them. Some few years ago a Mr. Letord propounded to the Governor of the Mauritius a plan for importing 20,000 African labourers, as he called them, in the phraseology of the Order in Council so familiar to all slave-traders. He was to obtain them by negotiation with the chiefs of the country, and to apprentice them for a limited time. His plan was circumstantially and elaborately framed, and reminds me of what a learned friend of mine, now Advocate-General in Bengal (Mr. Pearson) used to say at Guildhall on such estimates, that with a little pen and ink he would undertake by figures to pay the national debt in half an hour. The ingenious projector (who I understand was one of those most deeply concerned in the Mauritian slave-trading some time ago, and therefore well versed in the subject) gave his plan the name of "Projet d'Emancipation Africaine"—for he was of course to liberate all the slaves he bought of the chiefs, or kidnapped on his own account, and to convert them as the plan of our Government proposes, into indentured apprentices. Your Lordships smile at the plan and its title, because you see through the trick at once—so did the worthy Governor-General Nicolay—whose answer was short—whose refusal was flat and unqualified—just such as the Government at home should have given to the Letords of Guiana. He said, he had read the details of the plan "with much interest, and felt bound to give it his unqualified refusal, considering it, however speciously coloured, as neither more nor less than a renewal of the slave trade, and therefore entirely inadmissible." (p. 24.) And so to be sure it was. Your Lordships saw through the cunning trick and its flimsy disguise at once, and you smiled when I stated it. But I now ask if there is one single tittle of the plan thus instantly seen through, which differs from the present project for Guiana? I defy the most ingenious, subtle, and astute person who now hears me to shew any one thing that could have been done under Letord's plan, denounced by Sir W. Nicolay, as common slave-trading—in other words felony—which may not be done exactly in the same manner if this Order in Council is suffered to continue in operation. My noble Friend will answer me, and defend or explain his measure. I call upon him to point out, if he can, one single particular in which the project rejected as felonious by Governor Nicolay, with the entire approval of the Government at home, differs from the project aided and sanctioned by that same Government, and under their auspices inflicted upon Africa and Asia too, for the benefit of the Guiana planters and their slave-trading captains. My noble Friend is now challenged to this comparison, and having given him ample notice, and in very distinct terms, I expect—I am entitled to expect—that he shall point out wherein the two schemes differ, and what act of slave-trading—that is, of felony—can be perpetrated under the one, which may not, with the most perfect ease and safety, be perpetrated under the other.

Here, my Lords, I might rest, and safely rest, my case. For if I have shewn to demonstration that abuse is inevitable—that no regulation can prevent it, but also that none have ever been attempted—if I have further shewn out of my noble Friend's own mouth, and that of the Mauritius Government, whose proceedings he wholly approved and adopted, that without precautions which never have been taken or thought of, the project is one of disguised, and but thinly disguised, slave-trading—surely I am not bound to go further, and prove that already, and while in its infancy, the results proved to be inevitable have actually flowed from it—that kidnapping has filled our vessels, and that waste of life and misery has been endured on the middle passage—nevertheless I am prepared to prove this likewise, superfluous though it be—and thus to remove the very last vestige of doubt, to preclude every opening through which a cavil can enter into the discussion.

I here again revert, in the first place, to the report of the only persons, or one of the only two persons, who were capable of giving information on the subject, by their knowledge of the language in which alone these poor Hindoos can converse. Mr. Scott gives this truly remarkable statement; his words are few, but the single sentence speaks volumes. "They all stated (says he, p. 125), that they left Calcutta under the impression that they were going to the Company Rabustie—(Company's village) the name by which the Mauritius is designated"—but by whom? In the vernacular tongue of India? By all men in common parlance? Oh no, nothing of the kind! But "by the agents in India!"—By the slave-trader's agents—by his crimps—his inveiglers—his kidnappers. Mr. Scott adds, "How far the term was complimentary or compulsory I cannot say"—so that he has his suspicions of these poor ignorant people being made to believe that they might be compelled to go to the Mauritius as a part of the Company's territory. He adds this remarkable observation: "While I make no charge of misrepresentation, I am bound to acknowledge the difficulty of correctly and intelligibly describing an island in the Indian Ocean to a person who had never seen the sea, or knew what an island was."—Some there may doubtless be, who will say, that this representation of the Mauritius, where the powers of Leadenhall-street have not one servant, and possess not one yard of ground, being a village of the Company, was plausibly, rather than justly, made. For my part I hold it to have been wickedly, deceitfully, fraudulently, crimpingly, kidnappingly done, and with the purpose of inveigling and cheating, and carrying away the natives of Asia after the most approved practices of slave-trading, in their nefarious proceedings on the African coast. My noble Friend must have turned his attention to this subject as well as Mr. Scott. He long presided at the India Board,—he had under his protection the natives of the country, to whom he and his respected family have long been the friends—he had studied their temper and their habits from his youth—he had an acquaintance possessed by few—an hereditary acquaintance with all that belongs to this subject—and before he issued an order for the emigration of these poor creatures, he must have well weighed all its consequences, having regard to their nature and their knowledge. This matter is not one that arises indirectly, or unexpectedly, or by any unforeseen accident out of the scheme. On the front of that scheme it is graven in legible letters; it is a plan for enabling planters in the West to import natives of the East into their colonies. Then my noble Friend must have often asked himself the natural, and, indeed, unavoidable question which I now ask him, as Mr. Scott has suggested it from a knowledge of Indian affairs, far less extensive than his own—What hopes can we entertain of ever being able to make a Hindoo, a Coolie from the inland territory of the Company, a poor native who has never seen the ocean, or any sheet of water larger than the tank of his village, or the stream in which he bathes—comprehend the nature of a ship and a voyage, the discomforts of a crowded hold, the sufferings of four months at sea, the labours of a sugar plantation, the toils of hoeing, and cutting, and sugar boiling under a tropical sun—toils under which even the hardy negro is known to pine, and which must lay the feeble and effeminate Asiatic prostrate in the scorched dust? But will my noble Friend really take upon him to say that one single Hindoo is embarked for Guiana who can form the idea of what the voyage alone must expose him to? We are here not left without proof. Experience has already pronounced upon the voyage from Hindoostan to the Mauritius; these papers paint it as a worthy companion for the middle passage. I hold in my hand the despatch from the Mauritius Government of April last, in which three vessels are said to have carried over, one of them 224, the other 200, and the third seventy-two labourers, as you are pleased to term, what I plainly name slaves. Each had a full cargo of rice besides—so that the despatch says, they could not have proper accommodation for the Indians, nor protection from the weather, nor had any one of the three a medical officer. The William Wilson, out of 224, lost thirty-one on the voyage—a sacrifice to the pestilential hold in which they were compelled to breathe. The Adelaide, still worse, lost twenty-six out of seventy-two—between a third and a half in five or six weeks. The statements I have given from the slave trader's argument in 1788 and 1791 were absurd enough when they represented the mortality of the middle passage as one in the hundred. But never did I hear it put higher than this of thirty or forty per cent. Only see once more how the record of your own Statute Book rises up in judgment against your own conduct! While you not merely allow, but encourage and stimulate the carrying away of untutored Indians and savage Africans from the desolate shores of Malabar and Ceylon, and Mosambic, giving free scope to all the practices of fraud and treachery, which the arts of wicked ingenuity can devise to entrap them, and bear them into bondage, that the sordid desires of a few grasping planters may be gratified,—read the wise and humane words on the front of the British statute—read them, and blush for shame! "Whereas in various parts"—Of Hindoostan! Of the Indian Archipelago! Of the Mosambic and Sofala coasts? No—but "of the United Kingdom of Great Britain and Ireland, persons have been seduced to leave their native country under false representations, and have suffered great hardships for want of provisions and proper accommodation, and no security whatever being afforded that they shall be carried to the ports for which they have agreed—be it therefore enacted."—Has the faintest attempt been made to afford such security to the Indian and the African as this statute anxiously provides for the free and enlightened native of our own island—any precaution against his being trepanned and seduced on board, under representations that he is only going to another village of his own country, where he will enjoy his own ease, work in his own way, and worship according to his own religion—any precautions against being hurried away by force, while others are decoyed by fraud—any precautions against being scantily provided and pestilentially lodged — any precaution against his being carried to one destination after bargaining for another? Nothing whatever of the kind. But, indeed, such precautions, though practicable where they are little wanted—on the coasts of this country, studded with custom-house establishments, and round which a cordon of revenue officers is drawn by day and by night — must prove wholly ineffectual where they are most wanted—on the desert strands of the Eastern Ocean. And you see the results in the documents I have just read, where the frauds and the force of the embarkation, and the dreadful mortality of the voyage, are recorded in imperishable proofs of the crimes you have dared to encourage.

Therefore, it is, my Lords, that I have deemed it my indispensable duty to drag before you this iniquitous measure; therefore it is, that I have yielded to the sacred obligation of going through a subject as painful to handle as it was necessary to be examined; therefore, it is that I have waded, at extreme suffering to myself, through the agonizing detail of the slave traffic; and therefore it is, that I have, with unspeakable anxiety—but an anxiety occasioned far more by the importance of the question than by its difficulty or any disinclination to grapple with it—laid bare the enormities of this proceeding, and set forth its glaring inconsistency with the great Act of Abolition, from the principles of which, I had fondly hoped, no English statesman would ever be found daring enough to swerve. My Lords, I have for more than a quarter of a century been the supporter in Parliament of that great measure of justice. But at every period of my life since I reached man's estate, I have been its active, zealous, eager, though, God knows, feeble supporter, wherever I could hope to lend it assistance. For this holy cause I have been a fellow-labourer with the greatest men this country ever produced, whether in the senate, in the courts, or at the bar—elevated to the ermine, or still practising in the forum. With them I have humbly though fervently fought this good fight, and worked at this pious work—with them who are gone from hence as with those who yet remain. And we had indeed well hoped—they who are no more and they who still survive to venerate the names of the forerunners, and tread, if it be possible, in their footsteps—that we had succeeded in putting down for ever the monstrous traffic in human flesh. Could I then see this attempt to revive it, and hold my peace? I could not have rested on my couch and suffered this execrable work to be done—uninterrupted to be done. I required not to be visited by those surviving friends of whom I just now spake—required not to be roused by the agitation of public meetings—required not the countless applications of those whose disinterested patriotism, whose pure benevolence, whose pious philanthropy, endearing them to my heart, have won for them the universal confidence of mankind. No! my Lords; I could not slumber without seeing before me in visions of the night the great and good men who have passed away, seeming as if they could not taste their own repose, while they forbade me the aid of rest, until I should lend my feeble help, and stretch forth this hand to chase away the monster slave-trade from the light he once more outrages, back to the den where he had been chained up by their mightier arms. Justly famous of other times! If it be not given us to emulate their genius, to tread the bright path of their glory, to share in the transcendent virtue which formed their chief renown—let us at least taste that joy which they valued above all others—for that enjoyment we too can command—to bask in the inward sunshine of an approving conscience, athwart which no action of their illustrious lives ever cast a shade!

I move you to resolve,

"1. That the Order in Council of the 12th of July, 1837, was passed for the purpose of enabling the proprietors of Guiana to import into that colony, as apprenticed labourers, the natives of countries within the limits of the East India Company's Charter, before it was known that any law had been enacted in India for their protection, and has been suffered to remain in force after it was known that the law enacted in India on the 1st of May, 1837, and transmitted by a despatch of the 7th of June, is wholly insufficient to afford them such protection as is required, and to prevent the evils to which such traffic is exposed, while there are no means of preventing the greatest abuses from being practised, both in Asia and in Africa, under colour of the traffic, which it is the professed object of the Order in Council to facilitate and encourage:

"2. That the said Order in Council of the 12th of July, 1837, was improperly issued, and ought to be recalled."

Lord *Glenelg* rose. In the course of his very eloquent speech, the noble and learned Lord had animadverted with much severity on the Order in Council which was issued from the Colonial Department on the 12th of July last, and had spared few terms of invective against those who had issued it. The noble and learned Lord had commenced by complaining that the order in question had been secretly issued; but, he begged to state, that such was not the fact. The Order in Council of July, 1837, was issued precisely in the same manner as all others during a series of past years. It was not the habit—why it was not so he could not say—to publish Orders in Council in *The Gazette;* and as none others on the subject, or any other, as he believed, had found their way into that publication, the one in question was not there inserted. So much on that head. With respect to the general question, he had to observe, that if he could at all acquiesce in the statements of the noble and learned Lord, he should not presume to offer any opposition to the motion with which he had concluded. As, however, the noble and learned Lord had, by a very dexterous line of reasoning, roused the feelings of their Lordships with respect to the Order in Council, he felt it incumbent on him to state, as briefly as possible, the history of the transaction which terminated in the issue of the Order in Council, as well as the exact position in which the parties connected with it were placed. He would commence by mentioning, that the old law of the colony of Guiana admitted the importation of labourers without restriction. In the course of 1836, a law was passed by the Governor and Council of Policy of the colony, with the view of regulating the relations between the employers of labour and those labourers who should come to the colony under articles of indenture. That law, on being passed by the Colonial Legislature, was transmitted to this country for approval. On examining it, he found that though it was, in some respects, a restriction and improvement on the previously existing law of the province, it still was objectionable on several grounds. In the first place, it proposed a period of seven years employment. This period, he thought, was too long, and he accordingly had objected to it. He next objected to it, because it did not exclude all the natives of the continent of Africa; and then, because it did not make any peculiar exception with respect to those labourers who might come from the West-India Colonies where slavery had existed. In consequence of those objections, an Order in Council was issued in March 1837, giving assent to the act of the Colonial Legislature, but with most important alterations, which he should now proceed to detail. The first was the reduction of the proposed period of seven years service to that of three years. In fixing this latter period, his object had been to maintain the principle, which he thought a just one, that the employer of the labourers should be entitled, through their labour, to receive fair compensation for his expense in bringing them over and maintaining them; but, in order that the labourer should have no cause of complaint, and that nothing but the bare measure of justice should be meted to the employer, the Order in Council provided that if, before the third year expired, any of the individual labourers could prove that his employer had been compensated, he might claim his immediate freedom. So far with regard to the labourers generally. With respect to the labourers from the West-India colonies, in which slavery had been abolished, he had made a further exception. In their case, he reduced the period of employment from three to one year, also providing, that if, before the expiration of that period, a labourer could prove that the expense to which his employer had been put in bringing him to the country had been reimbursed him he might claim his freedom. Another important alteration in the act of the Colonial Legislature had reference to the protection of the labourers. The act placed them under the protection of the Sheriff and Justices of the province. By the Order in Council, this duty was transferred to the magistrates appointed under the Slavery Abolition Act. Another alteration made by the Order in Council was the exclusion from Guiana of all labourers from the continent of Africa, or islands peopled in part or fully by the negro population; and in this state, and with these modifications, the act of the Colonial Legislature was sent back to the colony. Shortly after, an application was made with respect to the Indian labourers, and it was stated that these Indian labourers could not be introduced into the province of Guiana unless the period of their employment was extended to five years; and in answer to a demand from the Colonial-office, as to why such extended period was necessary, a calculation was transmitted, proving clearly that a shorter period of labour could not reimburse the employer the expense he would have to incur in the transmission of the labourer. He had accordingly deemed it expedient to extend the period to five years, but with this accompaniment, that if within that period the labourer could prove that his employer had been repaid the expenses incurred, he might not merely claim his immediate discharge, but a passage home at the expense of the employer. If, however, he had to serve the five years, he should then, under any circumstances, be sent home free of expense by his employer. In addition to all this, it was to be recollected that the Order in Council, from which such disastrous consequences were apprehended, was to expire in August 1840. If there were injustice in the matter, it might last until that period, but then it must cease, unless a new law authorising a continuance of the system were enacted. It was alleged by the noble and learned Lord, as an argument against the Order in Council, that it was issued before it was known whether the Indian Government would pass any law on the subject. That was certainly true; but it was well known that the matter was under the consideration of the Indian Government, and there was every reason to presume that that Government would do its duty respecting it, and pass the very law which subsequently they did enact. The noble and learned Lord had then argued, that there was no protection held out by the Order in Council for the good treatment of the labourers. He contended, that as far as Guiana was concerned, the protection was complete. The indenture was to be made in the presence of the magistrate, and they were placed under the peculiar protection of the Executive Government of the colony; and at any period, when it was in the power of the labourer to reimburse his employer, the engagement might be dissolved and a passage home claimed. It was alleged by the noble and learned Lord, that the act passed by the Bengal Government was not adequate. He contended, however, that the Indian Government had most effectually secured the objects the act had in view. In the first place, it provided that no person could be embarked at any port without the special permission of the Governor, or person appointed by him. This person was to see that medical attendance was provided, and that security should be taken for the return of the parties as soon as the period for which they were engaged had expired, at the expense of those engaging them. These were strong enactments; and if they were found at all defective, the Government would be ready to remedy them. But it was clear that the Government had the power of carrying them into operation, and that they had done so, as far as they had hitherto proceeded. So, then, a perfect security was given for carrying proper measures into operation, both by the acts of those who had the management of Guiana, and by the law passed by the Indian Government. But his noble Friend alluded to the case of the Mauritius, and stated that those evils which were apprehended had occurred in that place. His noble and learned Friend had said, "Let us not consult the planters, who are interested persons; we don't know what the state of the Mauritius is; we don't know how the labourers live; let us, therefore, take the evidence of a witness who is competent to speak to the question—let us hear what Mr. Scott says." Unquestionably, Mr. Scott stated that he found many labourers in a state of discomfort, and he stated, in particular, one cause of their being so, namely, their ignorance of the language, though it should be recollected that they acted under the guidance of one of their number, who took the office of chief. Now, the statement drawn up by Mr. Scott was made before any regulations were entered into either by the Indian Government or that of Mauritius.

Lord *Brougham* begged to explain. What he had stated was, that the Order in Council enabled the Government to do that between Madras, Bombay, Pondicherry, and Guiana, which Mr. Scott's letter showed had taken place in the Mauritius.

Lord *Glenelg:* Mr. Scott showed, that the labourers left India without knowing the particulars of their engagement, the place where they were to go, or the purposes for which they were engaged, or the time for which they were to remain, and that, in consequence, feuds and dissensions arose between them. Mr. Scott urged that the best mode of correcting these evils was to limit the period of their servitude, and to give security that they should be enabled to return at the expense of their employers. It was on the consideration of the remarks of Mr. Scott that the Bengal Act was passed for the remedy of the evils which he had enumerated. A correspondence had taken place between the Governments of Madras and Bombay and that of Mauritius, which led him to believe, that the same strong regulations would be adopted in the former places as those which were already acted upon in the latter place which he had mentioned. Although his noble and learned Friend seemed to consider those securities of little avail, he confessed he differed from that opinion, and relied on the zeal, vigilance, and circumspection of that government, and on the laborious application which they and the law-commissioners of that country had bestowed on the subject. But should difficulties arise within the two years and half which remained, it would be easy to meet them as they occurred. If this were the case, and it was proved that due vigilance had been used by this country from the commencement to meet the difficulties or dangers as they arose, he must contend it was somewhat premature, when it was not proved that any approach towards a slave trade had taken place, to condemn the policy of the Government simply because it did not prohibit Indian labourers from going from one part of her Majesty's dominions to the other; because, unless it was clearly shown that the danger was imminent, and that they even ran a risk of incurring it, they would not be justified in opposing what he conceived to be the principle of the Order in Council, and in presenting a barrier to the circulation of voluntary labour. That was the great principle which they were bound to reverence unless it was proved, that an adherence to it would involve them in disastrous consequences. His noble Friend had urged, though he did not much insist on the point, that the negro would be encroached upon in his peculiar field. The apprehension was, that after the year 1840 the negroes, being accustomed to a tropical climate, and being able to procure sustenance with ease, would abandon their labour, spread over the country, and refuse to assist in raising its productions. Now, though other considerations ought naturally to occupy the attention of Government, that undoubtedly was a contingency which ought not to be overlooked. He knew there were some persons—he utterly disclaimed the allusion as applying to any noble Lord in that House, and his noble and learned Friend in particular—but he was aware there were some persons out of doors who really seemed to forget that the great commercial and powerful interests of the colonies were mainly concerned in the result of the experiment of the year 1840, namely, whether at that period we should be enabled to retain the labour now expended on the staple products of our West-India possessions? Great and important as that consideration was, did he mean to contend that no greater difficulty attended the settlement of this question? Far from it. But he maintained that it was worth while to take the most severe precautions against the abuse of the freedom about to be conferred on the negro race, and that this topic ought to form one amongst the subjects of paramount importance to this country, when the proposed change was to be effected. Those countries had grown and flourished under a system which met with our detestation. But why should it be concluded, that the curse of slavery was affixed to the negroes, and that the possessions which they cultivated should no longer contribute to form the glory and strength of this great nation the instant slavery was at an end? He did not believe that this was the necessary consequence of bestowing freedom on the negroes; but those persons to whom he had alluded, in their laudable anxiety to do justice to the human race, and to exercise humanity towards their fellow-creatures, seemed totally to forget the interests of their British fellow-subjects, and almost to anticipate with exultation the prospect of visiting with vengeance the descendants of those who failed in their duty towards the negroes, and who, if they were involved in that crime, were so involved in common with the Legislature. He denied that any person could fairly charge him with wilfully neglecting the duty which he owed to the negro race; and he felt bound to take every means in his power to secure that result—not to the expulsion of the negroes, not to the injury of any other class of labourers—but with a just view, at least, to the interests of the colony, and with a determination to prove, that the strength and commercial resources of the country and of the West Indies were not extinguished because slavery was taken away from that country. He wished to see slavery suppressed all over the world; but did their Lordships think, that they would promote the cause of universal freedom if other nations were to perceive that, with the abolition of slavery, they destroyed the resources which the country derived from its once flourishing possessions? Did they imagine they would try the same experiment? Or was it impossible, that a better result might not be effected? He trusted, that, without any degree of injustice or oppression, it might be possible to introduce labourers who would stimulate the negroes to action, and whose conduct would maintain the resources and power of our West-Indian Colonies. He preferred rather to labour for the attainment of this object than to adopt a course of policy by which the colonies would be gradually impoverished, the greatness of this kingdom impaired, and the ruin of British subjects effected, without doing any good to the negro population. If once the negroes were found to distribute themselves in idleness throughout the country, they would quickly subside into a state of barbarism, in which the wealth of our British fellow-subjects would be of no benefit to the negro, with whose lot we should cease to sympathise, as causing the sacrifice of our national advantage and interests. On these accounts he should oppose the resolutions of his noble and learned Friend.

The Duke of *Wellington* had looked with the greatest attention to the papers on the table, and listened with the utmost admiration to the speech of the noble and learned Lord. He felt, indeed, that much of the speech of the noble and learned Lord adverted to a part of this subject and to some of those papers which had no immediate relation to the subject under discussion—he meant as to the removal of labourers from the East Indies into the Mauritius or Guiana. The first order in Council—and he must say, that which fell particularly under the discussion of the noble and learned Lord—did not refer immediately to this subject, but only incidentally, so far as it related to labourers when introduced into the colonies of Guiana and the Mauritius, which proceeding was laid under the regulation, and, as he thought, the beneficial regulation, of that order in council. It was the other order in council—the one which permitted the importation of labourers from the East Indies into Guiana for five years, instead of three, which was the term fixed upon in the first—that he considered the proper subject for their Lordships' condemnation. That was the point to which the noble and learned Lord originally drew attention, and on which his notice was founded. The introduction of labourers into those colonies from other parts of her Majesty's dominions must have attracted the attention of her Majesty's Government years back. He observed in these papers a statement concerning these transactions so far back as the year 1834; that was four years ago. With reference to the removal of a certain number of labourers into the Mauritius, he could not give her Majesty's Government credit for vigilance or attention on this subject; for, in point of fact, no notice was taken of it for a considerable period after the occurrence. It was a most remarkable fact, that it was brought under the consideration of one of her Majesty's Ministers, not in that House but in the other, by Mr. Gladstone, in a letter to the right hon. Gentleman at the head of the Board of Control; and that the right hon. Gentleman seemed to answer as if no interference on the part of the Government was necessary, as if it was a mere matter of course. The answer which was returned was, " As the hiring is to be voluntary, the only purpose for which the East-India Company or the local Government could have a wish or pretence for interference would be to provide, that due care was taken of the labourers so hired while at sea, and to prevent their detention beyond the period for which they had engaged." So that three years after the practice of removing the Hindoos had commenced the organ of the Government stated, that the only " pretence " for their interference was to see, that care should be taken of the sick. He ventured to state, that if the right hon. Gentleman had only taken the trouble of conversing with any one person connected with the East Indies, or any person who was an inhabitant of that country, that person would have told him, that it was absolutely impossible that such arrangements could be made between the lower class of inhabitants in that country and Europeans without the strict superintendence of the Government, in every part of the transaction, from the beginning to the conclusion. Notwithstanding the respectability of the merchants connected with these transactions in this country, and the respectability of those who acted under their authority in Calcutta, yet the direction of these negotiations often fell into the hands of a lower class of persons, crimps and others, both European as well as native, whose conduct was so bad as to justify any description which might be given of it. There was enough in the description of these transactions to show an absolute necessity for active vigilance on the part of the Government with respect to their whole course. Gentlemen's servants, grooms, and cooks were removed as persons wishing to be transported, and there was no doubt that some falsehood or other was practised on them in order to gain their consent. Under these circumstances he certainly lamented, that this mode of hiring labourers should have gone on so long without attracting the attention of the Government presiding over the affairs of the East Indies; that up to May, 1837, no law was passed on the subject, and that even then the law which was enacted should have been one which he could not help characterterising, in the language of the noble and learned Lord, as entirely inadequate to the purposes for which it was intended. He certainly felt most strongly the truth of all which had been stated to their Lordships by the noble Secretary for the Colonies in respect to the importance of the West-India colonies to this country, as well as the importance of the crisis which was approaching, not only in relation to the planters and proprietors, but also with reference to the cultivators of that part of her Majesty's dominions. He trusted that the future lot of the negroes would be happier than the life which they had led up to this moment; but that, in his opinion, depended entirely on their becoming hereafter an industrious people. If they were to pass their lives in idleness—as he much feared was to be apprehended, both from what he saw in the papers on the table, and other documents already laid before the House—not only would the proprietors suffer considerably, but those useful islands, which had contributed so much to the prosperity, glory, and happiness of the empire, would be filled with a degraded population, amongst whom, in all probability, we should hear that that trade, now so much deprecated was re-established. He fully appreciated the importance of the crisis which was approaching during the next seven years. From the documents before them, he concluded that the influence of those labourers who were brought from Bengal had a great effect in the Island of Mauritius, not only on their fellow-labourers, the apprenticed negroes, but on the minds of the planters themselves, who felt more confidence in the prospect of deriving some advantage from the labour of the apprenticed negro when the period arrived for setting him entirely at liberty. He confessed this state of things in the Mauritius was satisfactory to him, and he wished it were possible to extend the same advantages to the colonies of the western world. He saw an absolute, necessity for taking more precautions than had been hitherto observed, in order to protect the interest, the health, and lives of those who should embark in this speculation. But if the result of the present proceedings were to produce the effect of obliging persons interested in the industry of the western colonies to introduce workmen brought from the East Indies into their works in the West Indies and the continent of America, he could not conceive any pains too great to be taken, or expense too heavy to be incurred, to effect such an object. The noble and-learned Lord (Lord Brougham) had contended that it would be a hardship to the negro to introduce into these colonies labourers who would work for two pence a-day. But it was probable that the expense could not be estimated at less than two shillings a-day, taking into consideration the expense of transport from Bengal to Guiana and back again within the five years, a rate of pay which would not offer a very dangerous competition to the resident negroes on the islands. But even if it did offer a serious competition to them, he must say, that, considering the means of providing subsistence which would be open to the negroes on the expiration of their apprenticeship, it would be desirable to introduce new hands at a rate even under two shillings, nay, even at the smallest rate which the noble and learned Lord had stated. With respect, however, to the case of the native Indians, he must confess that he should never be satisfied to see the new system continued unless the very strongest security were provided to insure the performance of the bargains of those who engaged them, and for the comfortable removal of the inhabitants of Bengal so engaged to the colonies in the West Indies, and from thence back again to their homes. He could never be satisfied that the law made by the Governor-general in council on this subject was sufficient for this purpose. It had been his lot to know what these people were, and to embark with large numbers of men; and he knew that it was of the utmost importance that they should not be carried away as cattle, but secured not only at the period of their embarkation, but throughout their voyage, in the comforts which they required. He had prepared the heads of what he considered would be reasonable alterations in the Bengal order in council, which, with the permission of their Lordships, he would read to the House, as it was not his wish to put an end to the present system if the law could be sufficiently improved. The noble Duke then read from a written paper in his hand a statement, of which the following are the heads:—

"That whenever an application was made to the Governor-general for the embarkation of blank (which he proposed to fill up with ten) natives, an officer should be named, who should superintend the bargains made by them with their employers, the preparations made for the voyage and for their embarkation, and who should take care that no man should make a bargain which he did not thoroughly understand, or who had not undergone medical inspection; and who should, moreover, see that not more of either sex were so engaged than in the proportion fixed by the regulation. That the bargain should specify that the parties should embark—the probable length of the voyage, the nature of the food which was to be provided for them, the length of time for which their services should endure, the nature of their employment, the number of days in each week and of hours in each day during which they would have to labour; and other particulars relative to the quantity of remuneration in the shape of food, specifying quality as well as quantity, money, clothing, &c.; and, finally, that at the end of the period agreed upon, the parties engaged should be sent back to the place from whence they were embarked, with the same care as to their food and accommodation during the voyage. The same officer would have to see that the vessel was seaworthy and duly equipped for the voyage, and that the decks were such as to afford comfort and healthy accommodation to the number it was intended to carry; that there was the requisite quantity of water, and provisions on board of the specified quality. The officer was, further, to superintend the embarkation of the natives engaged, and after that to embark with them, in order to attend to the regularity of their treatment and conduct during the voyage; after which he was to see to the strict execution of the bargains made with them, to be their interpreter to the magistrate or governor in the island on which they were engaged, and, on the other hand, to see that they did justice to their employers."

The noble Duke concluded by declaring that, if precautions of this kind were taken, he should have no hesitation in acquiescing in the continuance of the present system.

Viscount *Melbourne* said, that the noble and learned Lord who had opened the case to their Lordships had certainly made a most splendid, magnificent, and impressive speech: perhaps the most so that he had ever the pleasure of hearing the noble and learned Lord make in the whole course of his political career. The noble and learned Lord in that speech had called forth all the imagery with which his mind was furnished, and had almost exhausted even that unrivalled power of language which he undoubtedly possessed. The noble and learned Lord had stated the condition of his own mind, and the anxiety he felt, that his feelings would not allow him to rest upon his couch in the night—that the shades of the great and the good and the glorious men with whom he had been associated in struggling for the abolition of slavery, seemed to hover around, chiding and rebuking his inactivity, and urging him to come forward and bring the subject under their Lordships' consideration. There was no doubt that the noble and learned Lord stated the impression of his own mind, and the real state of his feelings; but giving full credit to the statement, he begged leave to warn their Lordships, that a person under the influence of these very warm and excited feelings, was not a very fit guide for their Lordships' counsels and deliberations on this very nice and delicate question. With respect to every part of the subject, especially with respect to what they were to expect might be the ultimate issue of the late measure in the West-India colonies, if ever there was an occasion which demanded calm and cool deliberation, the subject to which the noble and learned Lord's resolutions referred, undoubtedly offered that occasion thirty or forty years ago, when the moral feelings of the country on this subject had not been awakened—when, indeed, the question of slavery had been scarcely raised in this country, then there might have been need for eloquent, and glowing, and able speeches to excite and urge people to espouse the cause; but surely that day was now long past in this country; surely now it was more necessary to restrain than to push forward the people of this country on this subject. He would not yield to any man in his indignation against slavery and the slave-trade; he had always had at heart every measure calculated to discountenance and restrain those enormities, but it did seem to him that now, when the success of the great measure of slave emancipation was at stake, they were bound to pause before they gave any rash pledge on the subject, or commenced a course of policy which they might see cause to regret. The truth was, they were trying a very great experiment in the West-Indian colonies, and they were bound by every motive to allow it fair play. The noble and learned Lord, drawing on the resources of his own mind, stored as it was, with the perfect knowledge which he had acquired on this subject, had stated at great length and with much minuteness, the mode in which slavery arose in ancient times—how difficult it was to eradicate—how perpetually it returned—how naturally inclined, how prone, it was to rise again; but their Lordships would observe that in vain they pointed against slavery all the powers of eloquence; in vain they assailed it with considerations of morality; in vain they fulminated the commandments of religion; it would still rise again, and still there would be required fresh measures for a fresh suppression, unless they took care not to do that which was just the opposite of what they ought to do—unless they took care not to make slavery identical with the interests of the employer. In short, if they wished to put it down effectively, they must not only enlist the feelings of mankind on their side, and for its suppression, but they must also enlist the interests of mankind in the same cause, or they would never be safe. How was this to be done?

How was the slave labour of antiquity, to which the noble and learned Lord had referred, at length eradicated? He believed it was superseded by free labour. As free labour became cheaper, slavery disappeared. Now in the case of the West Indies until that was seen and felt—until it was fully perceived that free labour was cheaper than the labour of the slave, the question would never be set at rest. But how was free labour to become cheaper if they prevented the people of one part of the world from supplying another with labourers? Unless this was done, how could free labour be cheaper? He said, therefore, that the only way they had to make the abolition secure, was not merely by painting the system of slavery as he believed it to be, full of abominations and atrocities in the extreme, but by showing that it was contrary to the interests of the inhabitants of the West Indies. In vain might they launch their eloquence, and represent scenes calculated to move the feelings and arouse the indignation; in vain might they urge every argument on the subject which imagination and reason could suggest; they had as much chance to effect their purpose as the storm in the fable had of getting off the traveller's cloak; but, as soon as the sun of interest shone upon him, off it came readily. As soon as this was done, then the abolition of slavery would be secure, but not until then. So long as it was their interest, persons would be found to embark their capital in the slave trade. The profits in it were very large; persons said, "Here we can have eight, or nine, or ten per cent for our money, while at home, the usual rate is three-and-a-half per cent.; so long as this was the case, he said persons would be found to engage in it. He owned that the speech of the noble and learned Lord, and the whole debate, opened a matter of very serious consideration, and one which, on a future occasion, would probably lead to further investigation. On the one hand, they had to guard against the event of slavery recurring; and then, on the other hand, to guard against the evils which undoubtedly attended on that system of transporting persons from the East Indies to serve as labourers in the West. The noble and learned Lord had talked of persons of education, but had the noble and learned Lord and the rest of their Lordships, never heard of persons belonging to this country, and having such an education as usually fell to the lot of the labouring classes, being decoyed and inveigled to go out with a cargo of milk pails, by means of stories of some country where milk cows ran about with their udders distended, and only waiting for persons to come and milk them. No Hill Coolies would be more absurd than had been some of our own people. But, as he had said, they had to guard on the one hand against that which existed before the Orders in Council—the danger of slavery recurring; on the other, against the evils which might happen to these poor people, the Coolies, who might very easily be betrayed into a state little better than that of slavery. It appeared to him, however, that they could not prohibit persons going from one country to another for the purpose of disposing of their labour, provided this was done under proper regulations. But, supposing the motion of the noble and learned Lord were acceded to, and supposing the Order in Council of the 14th of July were rescinded, what would be the result? Why, that persons might go to Guiana only for an apprenticeship of three years, whereas now they went for five. [Lord *Brougham:* Mr. Gladstone denied that.] But Mr. Gladstone wished to have the time longer, perhaps. At all events the case was as he stated. Moreover, these people had a right to make any contract they pleased with the planters of Guiana or of any other colony, unless that contract were prevented by the laws under which they lived in their own country; this was, he thought, agreeable to the general principle regulating contracts of this sort, and if they introduced any regulation to prevent the transportation of labourers with regard to India, then they left open the other countries of Asia, and they would have the same measures to take in succession respecting the greater number of them; and if their Lordships or the Government were to undertake the regulation of all these civil contracts, they would open a very large field of discussion, which he would not enter upon at present, but which, he must say, did appear to him full of difficulty. With respect to the motion of the noble and learned Lord, he begged first to assure the noble Duke that her Majesty's Government would give their best attention to all the suggestions which the noble Duke had made; and he would add, generally, that no intention or idea existed in the minds of Government but to make the abolition as full and as secure as possible. He was not exactly aware of all the acts of the Government of India, and therefore it was very possible that many of the suggestions of the noble Duke had been anticipated and carried into execution; those suggestions, however, he could assure the noble Duke should have all the consideration her Majesty's Government could bestow upon them, and every precaution should be taken to render the measure of abolition as secure and permanent as possible. The noble Duke did not, as far as he understood, wish to put an end to the present system of transporting the Hill Coolies for the purpose of cultivating the West Indies, and he could assure the noble Duke and the House that every pains would be taken by Government to render the operation of the order in Council of July as safe as it could be made.

Lord *Ellenborough* could not concur in, or feel satisfied with what had fallen from the noble Viscount. Every kind of security, as it appeared to him, the most ample security, ought to be taken, to prevent abuse of the system in question. With respect to the suggestions of the noble Duke, there was not one of them which did not already exist, either in some act of Parliament or among the regulations of the East-India Company, with reference to their seamen. There were twenty-three of these regulations, only three of which had been adopted by the Order in Council. The first regulation was, that there should be on board the same ship an European, speaking the language of these people, and that he should continue with them and watch over their interests. He must say he felt the deepest regard for his noble Friend at the head of the affairs of India, but he did most deeply regret his noble Friend's conduct on this question. Why did his noble Friend remit such a subject to law commissioners? It was, of all others, a subject for practical men, not lawyers, however skilful, to deal with. And what had been the result? Why, it was in March, 1836, that the question was submitted, and not till March, 1837, that the trash which was called a law was put forth by these seven gentlemen, each of whom was said to have contributed a separate portion of the law. As a specimen of its efficacy, he would merely state that there was no security given to the Government for the performance of the contracts entered into with these people beyond what the presence of the custom-house officers, who had the discharge of the vessel, could offer. And yet, on the face of the papers laid on the table of the House, it appeared that no people required the paternal care of the Government more than they did. One of those papers, a communication made by the agent in Calcutta, stated that they knew nothing whatever of where they were going to, that they were perfectly ignorant of everything connected with the voyage, and the labour they were hired to perform; and that some of them, those of the hill tribes, were more like monkeys than men. There was another point to which he wished to call their Lordships' most serious attention. Mr. Gladstone had very properly expressed his wish that not less than one-half of the persons transported from the East Indies should be females, though the person whose evidence lay on the Table, expressed his doubts how far the women, from their peculiar habits, might be willing to go. What then, was the proposition before their Lordships? That the number of men transported to the West Indies should be in the proportion of 100 to seven females—he never would be accessory to such a plan. The noble Lord then read an extract from the documents to which he referred above, which represented the Coolies as having no wants but those of eating, drinking, and sleeping. These, then, were the persons with whom they were about to colonize the West Indies. It was clear from all that had been said, and from other sources, that very great apprehension existed even on the part of those who had achieved the great work of negro emancipation, with respect to the ultimate effects of that measure, that the negro would not work, and therefore that the measure would fail. For himself, he was willing to unite with the noble and learned Lord, and with the noble Duke, to pass any law to regulate the state of society in those islands; but he did not see that they ought to involve natives of the East Indies also in the consequences of emancipation which might come to light there. If he saw any of the regulations of the East-India Company respecting their seamen adopted by the Government, he should not be indisposed to join them, but not having seen anything of this sort, he had thought it his duty to come forward and state his opinion to the House. In every word that had fallen from his noble and learned Friend (Lord Brougham) he fully agreed; but with respect to the resolutions, he could not express similar sentiments, because the resolutions did not in fact go to eradicate the system of transporting East Indian labourers, while the speech of the noble and learned Lord was wholly directed to that object. Since that law had been passed in India on the subject, which by the way, was on the face of it wholly inadequate, but which, as was natural, the noble Baron stated to be satisfactory, no one step in the matter had been taken by the Government, though the noble Viscount now stated, that the suggestions of the noble Duke should receive the fullest consideration of Government. It was his conviction that the system which the noble Baron had sanctioned, practically re-established slavery and the slave-trade, and having had the good fortune to be at one time intimately connected with India, and grateful as that country was for the benefits it derived from our rule, he had felt peculiarly bound to come forward and call upon their Lordships not to agree to introduce into that country the frightful evils of slavery.

Lord *Brougham:* The masterly speech which has just been delivered by my noble Friend (Lord Ellenborough), while it calls for my cordial thanks, relieves your Lordships from hearing many points, which he has handled, discussed far less effectively by me, in availing myself of the right of reply, which your courtesy bestows. But a few words of explanation are required by one or two things which have fallen from the noble Duke (Wellington), for whom I entertain the most unqualified respect, and whose authority, as a practical statesman, I place in the foremost rank.

First, however, I must express my unbounded astonishment at the speech of my noble Friend (Lord Glenelg), not only has he left wholly unnoticed my distinct and formal challenge, to show wherein this measure differs from the scheme of Letord, which all the authorities, both in the Mauritius and at home, stigmatised as a mere blind for a slave-trading adventure; but he has argued the whole question as if there were no Madras on the map of Asia—no Bombay—no Ceylon—for which no rules are made—no Pondicherry belonging to France, for which we cannot make any rule—no Goa in the hands of slave-trading Portugal—no African coast within the Company's limits—and for which there exists not an authority on earth that can make a single rule, or watch a mile of the sea board. The whole reliance has been placed on the law made at Calcutta by my noble Kinsman, the Governor General in Council (Lord Auckland)—a law of no kind of value, had it comprehended all Asia and Africa too—a law in which my noble relation attempted little and effected less—pretending to prevent hardly any thing, and really preventing nothing at all—feeble in its provisions—impotent in its enactments—insignificant in its rubric—a blank in its body—when every one knows, and I had expressly so argued it, that no law made by the Governor in Council (if in Council the potentate who made such a thing can be said to sit) has any force or effect whatever, were it as omnipotent as it is inefficient, beyond the presidency of Fort William, and never could affect a single atom of the traffic which most of all this measure is intended to encourage, and which most requires regulation and control. But in overturning the whole speech of my noble Friend, I have also disposed of the noble Duke's. For his only reason for resisting the motion and offering the Government an escape through the previous question is their acceptance of his offer to pass certain regulations. Suppose the noble Duke's system were adopted tomorrow—and I think I am using sufficiently complimentary language when I call it a system, for assuredly I do not profess to admire it as much as I have hitherto been wont to admire all its author's productions, whether as a soldier or as a statesman. Suppose my noble Kinsman (Lord Auckland) had enacted every tittle of it in Council, instead of his own puny regulation of the 1st of July—still it would have been confined to Bengal. [The Duke of *Wellington:* All are included.] No, not Pondicherry, for there you cannot legislate; not Goa, for that is Portuguese—not any part of the African coast, over the whole of which this measure of July sweeps, enveloping all in the slave trade. That measure, our Order in Council, is now given up—it cannot for an instant stand; for every argument urged in its defence assumes that it must be accompanied or followed by other regulations some of which have not been, others of which never can be, made. The noble

Duke admits this as distinctly as my noble Friend. Then I shew you places without number, where no regulations whatever can be made by all the powers and authorities existing in the empire, and that is decisive against the Order in Council. I have waited and in vain for any answer to this main branch of the argument from the noble Secretary of State—I put it to him in every form, and he makes no sign. Therefore that Order stands convicted—viz., by confession it stands convicted of leaving the door a-jar to the African slave-trader, under the fairer name of encouraging the trade in apprentices—for I call it as bad as leaving the door a-jar to affect shutting the main gate while you leave half a yard to the one side, a door wide open, through which the whole body of it may enter, and which there exists no power within your reach, nay, no power on this earth that can shut it.

Much was said by the noble Duke of the value of colonial possessions, the necessity of more hands to cultivate our plantations, and the tendency of these resolutions to prevent their importation. But here it is that the noble Duke has entirely mistaken both the tenor of my opinions and the scope of the resolutions. I am not one of those who object to colonial establishments. Many men for whom I have a great and just respect do go this length. My opinion differs from their's. I lately stated how I draw the line. I make a great distinction between such colonies as those on the main land of North America, where men settle without the plan of returning home, where the property is in the hands of personal residents, and which are extensive enough to defend themselves. When these are able to stand alone, when it is no longer of mutual benefit that the colonial relation should continue, the separation is advantageous to both parent state and settlement. But as I lately stated in the argument I held with my noble Friend, now absent, unfortunately from a domestic affliction (Lord Ashburton), the slave colonies are differently circumstanced; and no one can doubt the mutual benefits of their continued dependance upon the mother country. They are important to our commerce and still more to our income and wealth—we are of use towards their defence—and in a military point of view the connexion may be exceedingly material. I have not therefore a word to say against the noble Duke's high value which he sets upon such possessions. How far their cultivation, after the Emancipation Act comes into full play will require an importation of labourers from the East is quite another question. But then it is one on which these resolutions pronounce no opinion whatever. I defy any man to point out one line of either resolution which even looks in that direction. Why do I thus confidently say so? Because I purposely framed them so as to keep quite clear of a subject, on which I knew men might differ widely while they all agreed in the main object of censuring the Order in Council. But says the noble Viscount (Melbourne) following the noble Duke, whose unwillingness to remove him from the office holden at his Grace's pleasure seems to have excited a just feeling of thankfulness, a great experiment is about to be made. We cannot tell, he says, what may happen in 1840—I hope and trust that will be all known two years earlier—therefore, he adds, let us be on our guard. Why not? Certainly let us be on our guard—but do you say a single word to shew that this Order in Council for importing more apprentices puts us more on our guard? What will betide us, says the noble Duke, should the emancipated negroes refuse to work for hire? How will your estates then be cultivated? and how can you tell that they will pass from the state of slavery to that of industrious workmen? How can I tell? Why by looking at what they are already doing—in Jamaica and Barbadoes where they work every spare hour voluntarily for wages—in Antigua and Bermuda where they have been as free as the peasantry of Hampshire for near three years, and have worked as hard and behaved themselves as well. On this head, then, I have not the shadow of a doubt, nor am I entitled to have—if experience can be trusted as a safe guide. But furthermore—suppose me quite wrong—suppose the whole experience of the past belied by the future, and that all the negroes refuse to work the moment the hour of their liberation strikes—here are 800,000 idle and dissolute, and restless and rebellious negroes (for there can be no middle state between peace with industry and idleness with revolt)—and the noble Duke would keep all quiet and reclaim all from idleness by sprinkling over this vast mass 3000 or 4000 Coolies from Asia. The supposition is that all the West Indies are in a state of inaction first—presently after of insurrection and confusion—no work done but that of mischief—no labour, no quiet, no subordination—all is a mass of confusion, and every portion of the vast population is in a ferment—when sprinkling over the boiling mass a few peaceful and indolent natives of Hindoostan will at once restore universal quiet, and all will suddenly sink down to rest!

Hi motus animorum atque hæc certamina tanta
Pulveris exigui jactû compressa quiescent!

But I have said, my Lords, that these resolutions, pronounce no judgment whatever upon the policy of importing new hands. All my opinions on this subject may be as erroneous as you please—the noble Duke's and the Government's under his protection, as well grounded as possible—whatever may be my private opinion, you are to vote on the resolutions and not on the speech that introduces and defends them; and he who holds as high as the noble Duke the necessity of introducing new labourers may most correctly and earnestly join with him who has no opinion of the kind in supporting resolutions which leave the question wholly untouched. Nay, the more I was of the noble Duke's opinion—the higher I valued the importation as a resource—the more should I vote for these resolutions—because they go only to condemn a most erroneous mode of trying this experiment—a mode which its authors shrink from defending, and which the noble Duke and every one else join in condemning, as not giving the experiment fair play. Can anything indeed be more unfair towards that experiment than trying it in such a clumsy, bungling manner as to bring upon it the odium of being a new slave trade?

While, however, this is the clear and undeniable posture of the question in debate, I cannot at all abandon the jealousy and indeed the aversion with which I regard all plans whatever of wholesale shifting of population. Nor am I in the least degree won over to such plans by hearing their defence clothed in language drawn from the science of political economy. My noble Friend calls it "a free circulation of labour," and professes his reluctance to abandon on this subject his tenets as an economist. I have heard the terms and the doctrines of political economy turned to many uses in my time. They have been used to defend State Lotteries, insurances in the Lottery—stock-jobbing—time-bargains in the funds. Why, it is said, should there be any interference with the free use of capital, or of skill and of labour in these departments of industry? On the Continent it has been applied to even baser uses—and made to defend the establishment of public stews, under due regulations for the benefit of the subject. But I own I have never yet heard those principles applied where they were more out of place and season than to the subject of the slave trade. Can any man in his sober senses think of calling the wholesale embarking of Hindoos and then transporting them to the antipodes, to work in ways wholly unknown to them, and foreign to their nature and habits, and pretend that giving it facilities—encouragement—stimulants—is furthering the free circulation of labour? The argument against all this plan is, that there is mere slave trading in every part of it—that a felony lurks under each of its arrangements. Then do the political economists and my noble Friend who is so vigorous a stickler for their doctrines, hold that the circulation of labour is interrupted by preventing the slave trade? If they do—nor can they stop a hair's-breadth short of this—then I am for abiding by the law of God and the law of the land, let their laws of political economy fare how they may.

The noble Duke has proposed certain terms to the Government as the price of his support—"Promise me you will adopt my code of regulation, says he, and you shall not be condemned by a vote of censure this time." The hook so baited was sure to take, the Ministers bit immediately—but they were not caught. "O yes—by all means"—"Any thing you please," says the noble Viscount—"we agree at once"—to what? Not to the proposal made, but only to consider of it—"We will take it into our best consideration." I don't much think this kind of acceptance will catch the noble Duke. He saw the noble Viscount swallow the bait—but he had not caught his fish—away it ran with the line in its mouth, down the stream, and buried itself in "serious consideration." Why, I defy the noble Duke to propose any one thing on any one subject which the Government, and all the House, and the country too, will not as a matter of course take into serious and respectful consideration. The noble Viscount will consider of it—so shall I—but very possibly he may end by thinking as little of it as I do. Considering of it proves no assent—*Le Roi s'avisera*, is the form of rejecting bills—the Sovereign has only once or twice taken any measure into consideration since the Revolution, though he has assented to some thousands;

and the Minister too may consider and reject. The nature of the noble Viscount's answer then was, to use the phraseology of a witness on a memorable occasion at that Bar, more no than yes. So as the noble Duke failed to catch the noble Viscount, the noble Viscount must not expect to catch the noble Duke—anxious as he is to be taken upon the present occasion.

I hear it said by my noble Friend (Lord Glenelg), that there is a wide difference between his plan and Mr. Barham's in 1811, inasmuch as slavery then existed, and the Chinese were to be brought over as free labourers—whereas apprenticeship is now the law, and the Hindoos are to come into a colony of apprenticed labourers. That is precisely my argument to shew how much worse this plan is, than that; and yet that was not endured by any one who knew the subject ever so imperfectly. No one would have listened to Mr. Barham's proposition, but that he was to make all the labourers he brought over free at once; they were to be free from every shackle imposed upon the negroes. Here the Hindoos are to be subject to every restrainst which the negroes endure—nay, this plan is to continue for years after the negroes are set free.

But a new argument is raised by the noble Viscount (Lord Melbourne). "Take care," says he, "how you set men's interests against their duty, and raise their strongest prejudices against negro freedom. The slavery of the ancient world was only extinguished by it becoming men's interest to prefer free labour to slave labour; therefore, if you make free labour so scarce in the West Indies as to make it dear, slavery never can cease." I am not sensible of ever in my life having heard a piece of reasoning more absurd in all its parts—one in which the incorrectness of the facts assumed, more strove for the mastery with the thoughtlessness of the inferences drawn from them. What! slavery in Europe extinguished by the high price of slave labour, or any other calculation of profit and loss! Why, I had always believed that it was the mild spirit of the gospel of Christ which worked by slow degrees this happy change. I state the sentiments I have always heard accounted just, and not out of deference to the right rev. Prelates in whose presence I speak, and who to their immortal honour have never once refused their support to any one proposition adverse to the slave trade. But never before did I hear it doubted, that first the spirit of Christianity, hostile to all cruelty and oppression, and afterwards the efforts of zealous priests, even refusing the rights of the Church to men unless they would free their bondsmen, gradually wrought the happy change which the noble Lord ascribes to a calculation of interest. But grant him his facts; how do they prove the emancipation to be in any danger from a rise in the wages of labour? He talks as if the Act had never passed, and we were trusting to men's interests for setting their slaves free. Happily, longer than August, 1840, they cannot be retained in any form of servitude. Does he dread, that high wages will bring back the chain and the cart-whip? I have no share in his chimerical apprehensions. I defy all the combinations which cruelty can effect with avarice to restore that hideous state of society of which the knell sounded over the Atlantic in 1833. No, no! I will trust the negro people for that. They will keep what they have got. Trust me, they will set at defiance all the noble Lord's calculations, and all the wishes of their former masters, and never more consent to work one spell of work, but for their own behoof—be the terms of their employment ever so distasteful to their white neighbours—be their desire for a restoration of the yoke, and the chain, and the cartwhip, ever so intense. The renewal of the slave trade is a very different thing. On that my fears are indeed grave and perplexing—for I know the Indian crimp and the African trader—the inexhaustible perfidies of the dealers in men, and the scope which those frauds have among hordes of uncivilised men, many of them in their own country slaves—the comfort and aid which those wretches may reckon upon receiving from accomplices ready made, such as the bribed governor on the Spanish Main, and the friendly authorities of Cuba.

But I am told to be of good courage and not to despond—there is no fear of abuse—no prospect of the horrible traffic so much condemned ever taking root in our islands. I am bid to look at the influence of public opinion—the watchfulness of the press—the unceasing efforts of all the societies—the jealous vigilance of Parliament. Am I, then, to stand by and suffer the traffic to be revived in the hope that we shall again be able to work its extirpation? Trust, say the friends of this abominable measure, trust to the force which gained the former triumph, Expect some Clarkson to arise, mighty in the powers of persevering philanthropy, with the piety of a saint and the courage of a martyr—hope for some second Wilberforce, who shall cast away all ambition but that of doing good, scorn all power but that of relieving his fellow-creatures, and reserving for mankind what others give up to party, know no vocation but that blessed work of furthering justice and freeing the slave—reckon upon once more seeing a Government like that of 1806—alas, how different from any we now witness!—formed of men who deem no work of humanity below their care or alien to their nature, and resolved to fulfil their high destiny, beard the court, confront the peers, contemn the planters—and in despite of planter, and peer, and prince, crush the foreign traffic with one hand while they give up the staff of power with the other, rather than be patrons of intolerance at home! These are the views with which it is sought to console us and gain us over to the ill-starred measure before you.

I make for answer—if it please you—No—by no means—nothing of all this. The monster is down, and I prefer keeping him down to relying upon all our resources for gaining a second triumph. I will not suffer the Upas tree to be transplanted, on the chance of its not thriving in an ungenial soil, and in the hope that after it shall be found to blight with death all beneath its shade, my arm may be found strong enough to wield the axe which shall lay it low. I thank you for the patience with which you have listened to me, and on which I have unwillingly trespassed so long. My bounden duty could not otherwise have been performed; and I had no choice but to act now as I have acted ever through the whole of my life—maintaining to the end the implacable enmity with which I have at all times pursued this infernal trade.

Lord *Lyndhurst* wished distinctly to state to the House the reason for which he proposed giving his vote in favour of the motion of the noble and learned Lord opposite. It was, that he thought the noble Lord, the Secretary for the Colonies, should not have advocated the adoption of the Order in Council in July until he had made adequate provision to prevent the abuses which he thought the Order in Council would very naturally have caused. It was on this ground that he proposed to give his vote in favour of the noble and learned Lord's motion.

The Duke of *Wellington* had proposed to the noble Viscount at the head of the Administration to adopt a system which he thought would amend the law in the West-Indian colonies for the purposes of the description of population which had been already alluded to, and the noble Viscount had on his statement (a very loose one, he must admit) of his views expressed his intention to take that system into consideration. He was quite satisfied that when the noble Viscount stated that it was his intention to take his suggestion into consideration, it was his intention to do so with a view to its being ultimately carried into effect in a way which would be satisfactory both to him and the House, and on the principle which he recommended. He thought that it would not be advisable to go to a division on the motion of the noble and learned Lord as it stood, and he should, therefore, move the previous question.

Lord *Fitzgerald* was anxious, before the House divided, to know from the noble Viscount opposite if he adopted the advice of the noble Duke, and intended to act upon it in the spirit in which it had been given. It would be extremely painful for him, as well as for several noble Lords near him, not to vote for the amendment of the noble Duke; but unless the noble Viscount asserted that he received and adopted the recommendation of the noble Duke in the sense in which it was given, a sense of duty would compel him to vote with the noble and learned Lord.

Viscount *Melbourne* replied, that of course when he adopted the advice of the noble Duke he assented entirely to the advice so given. He had already stated on behalf of himself and colleagues, that they would take the advice of the noble Duke into their serious consideration in a spirit of sincerity, not merely because it was the course of proceeding recommended by the noble Duke, but because he believed that it was the plan, if adhered to and persevered in, the best calculated to guard against all the evils which had been pointed out to them.

Lord *Brougham* trusted, that he should also be excused asking the noble Viscount a question. Supposing the noble Duke's plan to be adopted, what was there in it to prevent Africans from being removed from Pondicherry and Goa to the western colonial possessions?

The House divided on the previous question:—Contents 56; Not Contents 14: Majority 42.

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Lord *Brougham* wished to learn from the noble Viscount, as the recess was approaching, when he intended to bring forward the measure which he had promised, and which he had been driven into from apprehension of being in a minority, and which he would have been in had not the noble Duke come forward to his assistance. When did the noble Viscount mean to bring in his Bill, and which had been adopted at the suggestion of the noble Duke opposite?

Viscount *Melbourne* could not at that moment tell when a measure on the subject would be proposed, but it would be brought forward with as little delay as possible, allowing for the importance of the subject. However anxious, therefore, he was to suit the convenience of the noble and learned Lord, he could not then give him a positive answer.

HOUSE OF COMMONS,

Tuesday, March 6, 1838.

MINUTES.] Petitions presented. By Mr. KINNAIRD, from the county of Perth, for the abolition of Corn-laws.—By Captain A'COURT, from Coventry, in favour of the Bill for continuing the See of Sodor and Man.—By Mr. T. ATTWOOD, from the Birmingham Political Union, against the Colonial Policy.—By Mr. E. DIVETT, from Exeter. for the abolition of Negro Apprenticeship.

COLONIAL ADMINISTRATION.] Sir *William Molesworth*:[*] No Member of this House ever more required indulgence than I do on this occasion. The subject which I have undertaken to bring before the House, is of such great importance, and in some respects of so delicate a nature, that I cannot think of it without being forcibly, not to say fearfully, reminded of my own inability to do justice to it—of my inexperience and want of weight in the House. Such a topic in the hands of one who had acquired personal influence with the House, might well stimulate the Speaker to exertions which should add to the respect already felt for him; but with me the importance and difficulty of the subject have a contrary effect, and only remind me how necessary it is to bespeak a kind allowance for my deficiencies. It is with this feeling of apprehension for myself that I am anxious to disclaim certain opinions with regard to colonies, which, I know not why, have been attributed to me, and which are, justly in my humble judgment, unpopular in this House and in the country. I allude to the opinions of those who think that the best thing, that a mother country can do with her colonies, is to get rid of them. The saying, "Emancipate your Colonies," means with those who employ it most emphatically, a great deal more than the mere words convey. It is used, by some at least, to express an opinion that a country like this would be better without colonies, and even that it would have been better for us if we had never had colonies. From this sentiment, notwithstanding my respect for some who entertain it, I venture to disagree altogether. What! are we to repent of having planted the thirteen English colonies of North America, which have expanded into one of the greatest, most prosperous, and happiest nations that the world ever saw? Are we to regret, that the more northern deserts of the American continent, which constitute her Majesty's possessions in that quarter of the globe, are in the course of being reclaimed, cultivated, and filled with inhabitants of our race, whose industry finds an ample reward, and who, having wants like our own, require objects that are produced here, and thus furnish us with continually increasing markets in which to sell the produce of our domestic industry? Is it a pity that our numerous and profitable markets in the West Indies should ever have existed? Should we despond over our mighty empire in the East, which has brought to us—let those deny it who would deny the shining of the sun at noon—an incalculable tribute of wealth? Is our extraordinary trade with the infant colonies of Australasia, an evil or a good? Sir, for my part, I can see no necessary evil, but do see vast and inevitable good, in the possession of colonies. And this is no new opinion of mine, formed by the occasion. Will the House, kindly taking into consideration the disadvantages under which I labour, in having been supposed to agree with those who cry "Emancipate your Colonies," permit me to offer some proofs (and it shall be done very briefly) of the degree to which I have been misrepresented or misunderstood? So long as nearly five years ago—a long period in a short life—I took an active part in the foundation of a colony in which I feel a deep interest on public grounds, and have proved it by incurring personal risk as a trustee responsible for the safety of considerable funds belonging to the colony. During last year (long before the revolt in Canada had excited here a new interest in colonies) I had the honour to become one, along with my hon. Friend (if he will allow me call him so) the Member for Thetford, and my hon. Friends the Members for Lambeth and Caithness, of a Colonial Association whose opinion on the advantages which this country has derived from the possession of colonies was publicly expressed in the following terms, in which I did then, and do now, most cordially agree.

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[*] From a corrected Report.

"At the time when Elizabeth granted to the brother-in-law of Raleigh the first charter for British colonization, the wants of the people, and even of the Sovereign of England, were confined to objects such as would now be considered fitting for only a half-civilised race. The Queen herself trod upon reeds, fastened her clothes with wooden skewers, and fed upon beef, salt fish, and beer. The richer classes could expend their income from land only in a rude hospitality, which consisted but of quantity without variety, and had no other effect than to support retainers in a rough plenty. Nothing could well be coarser than the food and clothing of the great body of the people. But along with the emigration of Englishmen to distant lands, new productions were discovered and sent home in exchange for products of domestic industry. It was then that we began to be a manufacturing and commercial nation. Who shall estimate the influence upon the industry, not only of England, but of Europe, of the cultivation of sugar, tobacco, and cotton, in America? These are but a few of the many new productions arising from colonization which have gradually, through the stimulus of new desires, so improved the useful arts in England (that of agriculture included), that our population has continually increased, with a continual decrease—the grand test of social advancement—in the proportion of hands employed in raising food for the whole society. Bristol, with her West-India trade, Liverpool, with her trans-Atlantic commerce, the modern towns of Lancashire, with their manufactures of the raw produce of America—what are these but manifest results of British colonization, 'Ships, colonies, and commerce!' It is to these that England is chiefly indebted for her pre-eminent wealth, and even for the greatness of our domestic numbers. The old fashion of colonizing was, therefore, a very good one for this country."

The noble Lord, the Member for Stroud, the hon. Baronet who may be said to represent in this House the Colonial Department, and the right hon. Baronet opposite, know how anxious an interest I, (as Chairman of a Select Committee of this House, whose labours are not yet concluded), have taken in the affairs of New South Wales and Van Diemen's Land; not confining myself (as I am sure the noble Lord, the Secretary at War, will bear me witness) to the subject of transportation, which is the question specifically before the Committee, but sparing no pains to discover by what means the remarkable productive and commercial prosperity of those colonies may be preserved, when the main cause of that prosperity, a constant and increasing supply of convict labour, shall be abolished for very shame at the continuance of the moral horrors of transportation. Further proofs, Sir, might be adduced, but these, I trust, are enough; more especially as one of the complaints I shall presently have to make against Lord Glenelg is, that practically, in one important respect at least, he has sided with those who deny that it is advantageous to preserve and add to our colonies.

That opinion, Sir, with respect to the disadvantage of having colonies, appears to me to have arisen from the want of a distinction, to which I am desirous to draw the attention of some of my hon. Friends, and especially the right hon. Baronet, the Member for Dundee. The right hon. Baronet, in his work on Financial Reform, has said, " The possession of colonies affords no advantage which could not be obtained by commercial intercourse with independent states." In like manner Mr. Bentham had said, fifty years before, " There is no necessity for governing or possessing any island in order that we may sell merchandise there." Who can doubt the truth of these propositions, so far as they go? But they do not embrace half the subject; they suppose, or take for granted, that which never existed. They suppose the existence, and the continual increase, of a number of foreign states, whose inhabitants are as skilful in production, and as desirous to obtain British goods, as if they were of our own race and had recently emanated from this country. The doctrine presumes that we could have had the same trade as at present with foreign lands, even though none of our people had gone forth to settle there; that all the countries which we have peopled and converted into growing markets for the sale of our domestic produce would have been just as useful to us, in a commercial point of view, if they had remained " independent states." The independent state of New Holland before we had planted colonies there! The independent state or people of America amongst whom William Penn and his followers settled! Is not Japan, with which we have no trade, one of the right hon. Baronet's "independent states?" Have we such a trade, or anything like such a trade, with Java as we should have had if we had retained colonial possession of that most fertile country? The doctrine of the right hon. Baronet rests on the assumption that the world abounds in "independent states," able and willing to purchase British goods, and that whatever may be the increase of domestic capital and production requiring new markets, such markets will spring up, just at the moment we want them, in the form of "independent states." Has that assumption any foundation in fact or reason? I cannot help thinking that it has none—that at all events it is greatly to the advantage of a country like this to plant Colonies, and thereby create markets where none exist or are likely to exist by any other means; and that this is pre-eminently the policy of such a country as England, whose power of producing wealth by means of manufacture has no other limit than the extent or number of the markets in which she can dispose of manufactured goods. But supposing this admitted, and even, admitting another great advantage from colonizing—namely, the outlet which it provides by emigration for a surplus population—still the hon. Gentlemen who agree with the right hon. Baronet, the Member for Dundee, may contend that there can be no advantage in governing colonies; that the sooner we convert them into " independent states," the better for them and for us. The sooner the better! but when? Should we, for example, now, at once, confer independence on the last colony founded by England, with its 3,000 inhabitants, giving up to that handful of people the disposal, without the slightest regard to this country, of an enormous extent of unoccupied land, and thus enabling them, if they pleased, to put an end to the whole system of colonization established there, and even to become a slave-holding state, as they would be strongly tempted to do, if they did put an end to that system? Or should we not rather maintain that act of the Imperial Legislature, which gives to the labouring classes of this country, by providing them with a continually increasing means of emigration, from low wages to high wages, a property, a sort of inheritance, in the extensive wastes of that Colony? Should we allow the few who have departed, to forbid the departure of the many who would follow if we do not abandon our dominion over this Colony? Then, again, would it be right to emancipate Upper Canada, where, according to all appearances, the great majority of the people wish to preserve their allegiance to the British Crown? Surely, Sir, the emancipation of Colonies must be a question of time—a question in each case, of special expediency. Might we not say, too, that it is a question which would seldom or never arise between a colony and its mother country, if all Colonies were well governed—not less well governed than were the British Colonies of New England before our attack on their chartered rights of local self-government, when they were as loyal, not to say even more loyal—more devoted in their allegiance — than any other portion of the empire?

And this brings me, Sir, to what I imagine has given occasion to the unreasonable cry of "Emancipate your Colonies." In our possession of Colonies there have been, and still are, abuses and evils enough. Surely it was an abuse of colonial possession to appoint Sir Francis Head, Governor of Upper Canada; to give him an opportunity for creating a rebellion by encouraging preparations for it with "folded arms." And undoubtedly the present state of Lower Canada, the necessity of setting up a garrison Government there, of bestowing autocratic powers on an individual (however worthy of confidence he may be)—this surely is an evil arising out of colonial possession. The Canada timber monopoly is a good example both of an abuse and an evil in colonial possession. It would be easy to multiply examples under each head; but how long soever the catalogue should be, would it, I ask, be more striking than the one comprehensive, all-pervading abuse and evil, of subjecting some forty or fifty separate communities to the rule (I will presently show how it is necessarily irresponsible) of one so incompetent to discharge such arduous and important functions as the present notoriously incompetent Colonial Minister? The abuses and evils of colonization—this is indeed a fertile theme, but it is one upon which I am not inclined to dwell now, except for the purpose of declaring, that in my humble opinion, comparing the abuses and evils with the uses and advantages the balance has been, and is, greatly in favour of the uses and advantages. Those who cry "Emancipate your Colonies," appear to have seen nothing but the abuses and evils; they have imagined that colonies and jobbing, colonial trade and colonial monopoly, were synonymous terms. Nor is this to be wondered at, perhaps; for it should be recollected, that until of late years, it was generally and seriously believed, that a colonial trade was of no value, unless it was in some way or another a monopoly trade; and secondly, that colonial misgovernment has been far greater and far more obvious in the present generation than it was before. I mean by this to infer that the most enlightened men are apt—and by reason of their hostility to the old system of colonial monopoly, to undervalue and disparage colonial trade itself, confounding the uses with the abuses, which last had got full possession of their minds; and in the next place, that since we lost, by maltreating them, our colonies in North America, and since we set up in Downing-street a Colonial-office to conquer and to govern the colonies of other nations; since, in a word, we abandoned the old system of chartered colonies and adopted the new one of crown colonies; since we exchanged our ancient and successful system of colonizing—that of allowing to the colony a large share of local self-government—since we have pursued the Spanish system of governing in all things from a distance by a Council of the Indies in Downing-street, the government of our colonies has been far more objectionable, more ignorant, necessarily so on account of the great distance between the subjects and the seat of all authority; more oppressive, insomuch as local power has been confided to strangers who have no permanent interest in, or sympathy with, the colony; and, lastly, more injurious to us at home, by furnishing a larger amount of Government patronage, or, in other words, larger means of Parliamentary corruption. A new dislike to the old system of colonial trade, and an impression made by the new system of colonial government, under which the evils and abuses necessarily belonging to all governments from a distance had increased and become more obvious — these I believe to be at the bottom of the opinion which condemns, as mischievous and absurd, the old fashioned, but (as it appears to me) sound opinion which is expressed by the cry "Ships, colonies, and commerce." Instead of wishing to separate from our colonies, or to avert the establishment of new ones, I would say distinguish between the evil and the good; remove the evil, but preserve the good; do not "Emancipate your Colonies," but multiply them, and improve—reform your system of colonial government. Sir, I yield to no man in this House in a desire to preserve and extend the colonial empire of England. I wish that our connexion with the United States had not been dissolved; because one may suppose, that if it had been preserved, slavery in America would have been by this time abolished, and the American tariff would never have existed. While, on the other hand, I rejoice at the separation, it is only because I prefer the lesser evil; believing that the colonists, after our tyrannical attack on their local constitutional rights, had no choice but between independence and abject submission to our power; and that the triumph of our tyranny in America would have been a misfortune to the world. It is, Sir, on the same principle, while I wish that our connexion with Lower Canada were more intimate and more friendly than it has ever been, that I hope, that the people of that country will either recover the constitution which we have violated, or become wholly independent of us. However strong my impressions may be of the advantages of colonial empire, yet I sincerely trust that I shall ever sympathize with a people struggling for their just rights, and heartily wish them success.

Sir, there is another disadvantage under which I labour, and from which I hope, with the permission of the House, to relieve myself in a few words. Knowing how distasteful this motion is to some hon. Members, especially on my own side of the House—aware, of course, of the difficulty which they will have to refute or even to deny a proposition which every one who hears it must acknowledge to be perfectly true; I expect (unless they should take the more prudent course of silence, relying on the right hon. Baronet's protection and guardianship when it shall come to the vote), I expect that they may refer to the general political opinions which I have avowed in this House and elsewhere, and may endeavour to represent this motion as having democratic objects and tendencies. This would be a way of making the motion unpopular in this House. I will, Sir, however, endeavour to prevent the success of such a manœuvre. I declare, then, that in bringing the subject of our colonial administration, and of the qualifications, or rather disqualifications of the Colonial Minister before this House, I have had no regard whatever to any abstract opinions of my own with reference to the best form of government for an old and much-advanced country like this—that I can hardly conceive a greater absurdity than the proposal to set up democratic institutions in all our colonies—amongst the ignorant and superstitious millions of India—amongst our negro fellow-subjects in the West Indies, or the convict and once convict inhabitants of New South Wales, or amongst the motley and not half or even quarter civilized population of our territories in South Africa, or even among the labouring rustics for whom Parliament has provided the means of settling in South Australia, most of whom could not tell you the meaning of the word "democratic" or the word "institution." Sir, I am convinced that the form of government which a colony should possess must depend upon the special circumstances of the case, and that the sort of constitution which was very good for one colony might be very bad for another: that some colonies absolutely require a despotic authority; that for others an aristocratic power may be most suitable; and I doubt much whether amongst all our colonies there be more than two or three in which I should not be very much afraid to try the experiment of a pure democracy. What is the nature of our government of 100,000,000 of people in India? Fortunately it is not of the nature of colonial-office government, but it is anything but democratic. Yet I know not if a better could be devised for the people who are subject to it. What would be the state of India if all the public affairs of that country were confided to the neglect of the Colonial-office? I hope some hon. Gentleman connected with India will tell us how he should like such an arrangement. The House will, therefore, see that the present motion has no concern with, or relation to, my opinions on government in general, whatever they may be; that the motion is no more open to the objection of having democratic objects and tendencies than if it had been proposed by the hon. Baronet, the Member for Tamworth, and seconded by the right hon. Baronet, the Member for the University of Oxford.

Sir, it may be said that I have singled out the noble Lord at the head of the Colonial-office for an invidious and spiteful attack; that he is not more incompetent than some of his colleagues; that his office has been filled by as incompetent men; that the whole Cabinet are responsible for neglect of duty in each department of the State; and that the censure of this House should be directed against them as a body. I am not sure, Sir, but that there may be some force in the last objection to my motion. Let me, however, explain to the House the reasons which have induced me to call upon them for an expression of want of confidence in Lord Glenelg alone. The Colonial-office differs materially from every other branch of the Government. All the other departments of the State administer for us, who are represented in this House; the Colonial-office administers for the colonies, not one of which is represented in any assembly to which that office is in any degree responsible. The other branches of Government administer only, they do not legislate; but the Colonial-office, besides having to conduct an administration comprising all the branches of government, civil, military, financial, judicial and ecclesiastical—an administration rendered still more difficult by the various institutions, languages, laws, customs, wants, and interests of a great variety of separate and widely different communities —besides all this, which the whole administrative force of this country could hardly manage well—besides an administration more varied and difficult than that of this country, of one race, language, and law—besides this infinite variety of executive functions (as if the executive duties were not sufficiently complicated and incongruous) the Colonial-office has further to legislate more or less for all the colonies, and altogether for those colonies which have no representative assembly, by means either of instructions to governors, or of orders in council, or by appointing and instructing some or all of the branches of the colonial legislature. Such a complication of functions in a single office would be bad enough if all the colonies were close together, and close to England. Let us recollect, however, how widely they are dispersed, and how far from Downing-street is the colony which is nearest to England. As to most of them several months, and some of them a whole year, must elapse before a letter between the Government and one of its subjects can be answered by return of post. A petition arrives here; who is there to press its prayer on the attention of the Colonial Minister?—who is there to take care that it shall be even read by him? Whether he ever looks at it must depend on the degree of his diligence, and of his interest in the colony whence it comes. Orders dispatched hence should be adapted, not to the state of things which existed in the colony at the date of the Minister's last advices therefrom, but to that which he may conjecture will exist when his orders arrive. How can he fail to err without the highest sagacity and foresight? Besides, in many cases, the very subject of the letter, or petition, or remonstrance, may be worn out before he can even know of its existence. Whatever the difficulties, then, of both legislating and administering for so many different communities, all these are enhanced a thousandfold by the great distance between the subjects and the Government. Let us further reflect, Sir, that in addition to all these most arduous functions, we impose upon the Colonial-office no small portion of the task of suppressing the prosperous and increasing slave trade with Africa, and also a branch of criminal jurisprudence in the administration of a secondary punishment at the antipodes. Forgetting one-half of the duties of the Colonial-office, still it must be at once admitted, that the place of Colonial Minister should never be held but by a person in the very highest degree qualified for public affairs; by the most diligent, the wisest, the most careful and assiduous, the most active and energetic member of the Cabinet; that the Colonial Minister stands out from the rest of the Cabinet, overcharged with the most arduous duties, incurring obligations the most difficult to perform, eminently, might we not say, if we had any regard for our colonies, peculiarly subject to the interference of this House, and bound by every sense of public and private virtue, if he find himself incompetent to the task which he has rashly undertaken, to resign his office into abler hands? I do not now speak of Lord Glenelg, but of any and every Colonial Minister. It is only on account of the peculiar nature of his office that censure of any incompetent individual who may fill it seems to me peculiarly the duty of this House: it is an office the performance of whose duties, depends far more than in any other branch of Government upon the qualities of the individual by whom the office is held. In every other department of the State the Minister is responsible to this House, where the representatives of conflicting interests have the strongest motives to keep anxious and vigilant watch over the details of his conduct, and unnecessary delay and inactivity are exposed to constant reproach. Though the Minister be not the most distinguished of Statesmen, nor possess personal qualities of a superior description, yet his crude and imperfect notions may be improved in this House by the suggestions of his Friends and the corrections of his opponents. This can seldom take place in colonial affairs, except where some grave and extraordinary event, such for instance as a rebellion in one of the Colonies, calls public attention to the subject. In ordinary cases this House, in which the Colonies have no direct representatives, and few persons thoroughly acquainted with the particulars of Colonial affairs, can exercise no control over the details of the Colonial-office. In the Cabinet, the affairs of the other departments of the State are more or less within the cognizance of all the members of the Cabinet, and each Minister, in his separate department, may be supposed to be responsible to the whole body; this cannot possibly be the case with regard to the Colonial Minister, whose department embraces all the branches of Government of our numerous and widely remote dependencies, with the details of whose affairs it is utterly impossible for his colleagues to be acquainted. Sometimes, indeed, we find that the head of another department comes down to this House, and makes a speech on colonial affairs; but every one who understands the subject, and listens to the discourse, can easily perceive that it is got up from a brief. In the Colonial-office, where it is so hard to do well, or even to avoid doing ill—over the details of which this House can exercise no control, in which, consequently, the Minister is completely irresponsible as to details, personal qualities are all in all. If Parliament will not alter the system which imposes so much upon one person—which gives to that person so great a power for good or evil, it is at least the duty of Parliament to take care that that office is not filled by one of the most incompetent members of the Government. I repeat that this motion is not directed against Lord Glenelg as Lord Glenelg; that it has no object of personal hostility against him; and if he appear to be singled out for attack from the rest of the Administration, that has occurred, not from any malignant or even ungenerous feeling towards him, but simply because the branch of Government at the head of which he has had the misfortune of being placed, is the only one which absolutely requires, for the decent performance of its duties, qualities which the noble Lord does not possess. I merely assume, Sir, for the present, that he does not possess them; I shall soon come to the proof of that part of the case.

But, on the other hand, there are hon. Members on this side of the House who may possibly object to an expression of a want of confidence in Lord Glenelg, on the ground, that if the House should agree to my motion, they would indirectly censure the Government of Lord Melbourne. Hon. Members may even say, that under the disguise of affirming a truism with regard to Lord Glenelg, I am endeavouring to undermine the Government, and, to use their own most patriotic phraseology, "let in the Tories." I at once admit, that the House cannot agree to my motion without censuring the whole Cabinet, who ought to be responsible, not for the particular acts or neglects of Lord Glenelg, but for his continuance in office after the late conspicuous events have so amply demonstrated his incompetency; but I deny the supposed charge of disguise; and in order to satisfy the House that there is no disguise in the matter, I have no hesitation in declaring, that I for one should feel no regret if this motion should result in giving us a better Cabinet as well as a better Colonial Minister. Suppose the Cabinet dissolved by a vote of this House on colonial affairs, does it follow that the Tories would obtain power? It would not be as Tories, at all events. I do not believe, Sir, that we shall ever again have a government acting upon Tory principles, except under circumstances like the present, when a government professing liberality adopts Tory principles in order to retain office. If the Tories were under the responsibility of office, they would be as liberal as the country; they would be controlled by the opposition, just as the present Government is controlled, the only diffeence being, that whereas the guiding opposition is at present Tory, it would then be liberal. That, Sir, would be better than the present state of things; and even better than that might happen, unless we are to conclude that the liberal party has been so degraded and weakened by its submission to the Tories, that her Majesty would find it impossible to form a vigorous and self-relying liberal administration, if the present Ministers were to let go their grasp of power. Sir, expecting that insidious motives should be imputed to me, I think it best frankly to state to the House what I feel about the Government; but let me hope that my frankness on this head will obtain for me the confidence of the House, when I declare, that in submitting this motion to them, I am no more actuated by hostility to the Ministry than by personal hostility to Lord Glenelg. I cannot be blind to the possible result of such a motion being carried; but, as far as I am concerned, such a result will be merely incidental or accidental. I have not had it in view—that is not my object. My only object, whatever may perchance or possibly happen besides, is to relieve the colonies from an imbecile and mischievous administration of their affairs—to bring before the House, at a moment when they will give attention to such a subject, the critical state of many of our colonies, in various parts of the world—and to establish, for a time at least, some sort of responsibility in the Colonial-office. Are these proper objects, supposing the proposition contained in my motion to be true? All turns, I think, upon the truth of that proposition.

Whether or not the proposition be true depends on the answer to certain questions:—Are not many of our colonies in various parts of the world in a condition which requires a more than usually wise and vigorous Colonial Minister? Does not the colonial empire at present exhibit peculiar difficulties and dangers? Is there not at this moment, more than at any previous time, a pressing necessity for placing at the head of colonial affairs a statesman on whose diligence, forethought, judgment, activity, and firmness this House and the country may be able to rely? Is not the present Colonial Minister—has he not proved it by his acts—peculiarly unfit to deal with the peculiar difficulties belonging to the present state of the colonies? These are the questions which I beg of the House to examine and to decide upon; and I will now proceed to state the grounds upon which I am led to believe that the conscience of every Member of the House will answer every one of these questions in the affirmative.

In bringing before the House the critical condition of several of the colonies, and the peculiar neglect of that critical state by the present Colonial Minister, it matters but little with what Colony one should begin. Every quarter of the globe furnishes a case strongly illustrative of the positions contained in my motion. But we must commence somewhere. I will begin with a case as to which I can appeal for the confirmation of some of my statements to several hon. Gentlemen; amongst others to the hon. Gentleman, the Member for Newark, and the right hon. Baronet, the Member for Tamworth. During the last Session of the last Parliament, the House instituted an inquiry into the state of our penal Colonies in Australia. The Committee has been revived this Session. The disclosures made before the Committee represent a state of things which it was hard, even for those who heard the representation, to credit. Not that there could be any doubt either of the knowledge or of the veracity of the witnesses examined, but that they described a state of society, a degree of moral contamination, a condition of national infamy, so revolting, that one was loth to believe in the existence of such horrors. The evidence taken before the Committee of last year is in the possession of hon. Gentlemen. No one, I think, who has examined that evidence can doubt, that whatever have been the evils attending upon planting colonies with convicts, those evils have of late years greatly augmented, and have just now attained a pitch which requires some prompt, vigorous, and comprehensive remedy. Is not the right hon. Baronet opposite of this opinion? The first step to a remedy was ample inquiry. The House will perhaps imagine that the Colonial Minister had some part in the inquiry which has taken place; that it was suggested by him; that he was sufficiently acquainted with the great and growing evils in question to have proposed such an inquiry in Parliament. Not at all! On the contrary, the country is solely indebted for that inquiry to the noble Lord, the Member for Stroud, from whom, before I moved for a Committee, I had the good fortune to obtain a promise that the motion should have his support in the House. Considering the colonial nature of the subject, why did I not, in order to obtain the sanction of Government, address myself to the noble Lord at the head of colonial affairs? Simply, because I believed that such an application would be in vain. I was afraid of the proverbial indecision and supineness of that Minister; and I believed that the only sure mode of obtaining an inquiry on this colonial subject, was to pass by the Colonial Minister, and apply to another Minister whose department is eminently not colonial. My opinion of the Colonial Minister may have been erroneous; but it was formed on common report and belief; and the fact therefore is, that so far as I am concerned, the important information as to New South Wales and Van Diemen's Land, now before the House, would not have been obtained if I had not made bold, in seeking a colonial inquiry, to proceed as if there were no such department as that over which Lord Glenelg presides. Sir, if I had wanted any justification for such a course, I should find it in another proceeding, or rather neglect of Lord Glenelg's with regard to New South Wales.

While the moral and social corruption of that colony exceeds belief, its economical prosperity is equally remarkable. Nothing can be more clearly established by the evidence taken before the Transportation Committee, than the fact that both the evil and the good have one and the same cause—namely, a regular and increasing supply of convict labourers. If the stream of convict emigration be stayed, the source of the economical prosperity will be dried up, unless indeed some other means be adopted of supplying the colony with labourers. Amongst those most conversant with the subject, there is but one opinion, as to the evils which arise from supplying the colonies with labour by means of transportation—but one opinion as to the necessity, if the colony is to be saved from ruin, of promoting the emigration of free labourers. The means too of promoting emigration exist to an almost incredible extent; they were called into existence by the noble Lord, the Secretary at War, when he was Under Secretary for the colonies in the year 1831. The noble Lord's regulations for the disposal of waste lands in New South Wales and Van Diemen's Land (which did not take effect until the year 1832) have actually produced an emigration fund amounting to about 400,000*l.* sterling; and persons, on whose experience and judgment the greatest reliance may be placed, estimate the future revenue from the sale of waste lands at 200,000*l.* a-year in New South Wales alone. Here, then, are abundant means of supplying the colony with a substitute for convict labour. Now, what has Lord Glenelg done with this vast emigration fund? He allowed a portion of it to be placed at the disposal of a private society, who expended the public money in sending out to the colony shipload after shipload of the most abandoned and irreclaimable prostitutes. He placed another portion of it at the disposal of one Mr. John Marshall, a sort of agent or broker for shipping, who performs (without any responsibility) for the Colonial-office the difficult functions of conducting emigration with the public money of the colony. But this is not all; only a portion of this vast emigration fund has been applied, however improperly, to its proper purpose. The remainder, amounting to no less a sum than 200,000*l.*, is locked up in the public chest at Sydney, lying idle, of no use whatever, although the demand for labour is more urgent than at any previous time, and the colonists have vehemently prayed that the money which they paid for land may be expended according to the conditions on which they paid it. And this sum in the public chest is not only useless, but it is worse than useless; for since ready money was paid for the land, a great part of the currency of the colony is thus absorbed and locked up in the Government chest. The loud and frequent complaints of the colonists on this subject have fallen upon the ear of the noble Lord as if he were stone deaf. This, Sir, after transportation, about the horrors of which the noble Lord seems to have known nothing until they were brought to light by the Committee of inquiry, even if he knows anything about them now—this is a subject of the deepest importance to the penal colonies; and what attention has the noble Lord paid to this important question of free emigration by means of the sale of waste lands? None whatever! But has he no excuse for his total neglect of this important and urgent colonial subject? I would put the question to my hon. Friend, the Member for Sheffield, who in the Session of 1836, presided with uncommon ability over a Committee of this House, by which this subject was most carefully examined, and which Committee strongly recommended the adoption of a system for giving complete and permanent effect to Lord Howick's regulations, as they are properly termed—I ask the hon. Gentleman, the Member for Newark, who took a very prominent and very valuable part in that inquiry, what notice has the noble Lord taken of the labours of the Committee? None whatever. The noble Lord has treated the report of the Committee as if it were so much waste paper; and I am not surprised at it, for I believe that the inquiry of 1836 concerning waste lands and emigration was obtained, like the inquiry on transportation, without any assistance from the noble Lord, by the aid of another Minister, as if in truth there were no such Minister as the noble Lord at the head of the Colonial Department. I am not therefore the only Member of this House who, in seeking for information on a very important colonial subject, has passed by the Colonial Minister as if there were no such person in existence.

There is another fact, Sir, as to New South Wales, from which the people of that colony might be justified in inferring that there really is no such person in existence as the Colonial Minister—that Lord Glenelg is a merely imaginary personage, a nominal being, without functions to perform, or at least without capacity to perform them. For many years New South Wales has been governed by an Act which expired in the year 1836. That Act established a temporary system and form of government—a system and form of government suited to the time when the Act passed; that is, when the majority of the inhabitants of the colony were convicts under punishment. Need I add that this system of provisional government was (necessarily under the circumstances) of a most despotic character; that it neglected altogether the principle of representation, and gave to the colonists no voice whatever in the management of their own affairs? But since then the circumstances of the colony have altogether changed. The free colonists have become the majority. Those free colonists, naturally desirous to obtain some of the rights of Englishmen, have looked forward with the deepest anxiety to the period when the New South Wales Act would expire—to the time when Parliament would have to legislate anew on the subject; and when they might hope that Parliament, in framing a constitution for a free people, would bestow on them some degree of representation, and give them some voice in the management of their own local affairs. To the colonists of New South Wales, therefore, 1836 was a most important year. Was the noble Lord, the Colonial Minister, prepared for this very important colonial occasion? Did he submit to Parliament a new constitution for the colony? No; he only asked Parliament to renew the old Act for one year. But in 1837 it will be supposed, when this Act of a twelvemonth would have expired, that the noble Lord was prepared. Not a bit of it! In 1837 he again asked for and obtained the renewal of the old Act for another twelvemonth. But, perhaps, it may be said that the noble Lord believed that the colony was not ripe for any other than the old despotic constitution, and that he acted deliberately in renewing the old Act from year to year. Not at all, Sir; for on both occasions the Under Secretary for the colonies, acting undoubtedly on behalf of his chief, gave notice of his intention to propose an entirely new Act for the government of the colony. On both occasions, no doubt, the noble Lord intended to relieve the colonists of New South Wales from their anxiety on a subject which must ever be one of the deepest interest to freemen; but on both occasions he only exhibited his own infirmity of purpose. Is he prepared this year? or are we to renew the old Act for the third time? Are we for the third time to tell the free people of this colony that we care so little about them as to neglect altogether a matter about which they care above all things? And if we do so, are we to wonder at their resentment?

Here, then, Sir, as respects one colony, are three great questions, urgently pressing on the unwilling attention of the noble Lord. First, a remedy for the terrible evils of transportation; secondly, a means of saving the colony from economical ruin; and, thirdly, a new constitution for the colony. Each of these questions is rendered more difficult by the noble Lord's neglect of it hitherto. If we are to judge by the past, what are we to expect for the future?

As respects New South Wales, I have only to add further, that this is one of the several colonies of which the Governors have recently resigned, or been recalled, on account of differences between those Governors and the department over which Lord Glenelg so neglectfully presides.

In the neighbourhood of our penal Colonies, there exist circumstances which, whilst they call for prompt and vigorous action from the Colonial Minister, strongly exhibit Lord Glenelg's inattention and neglect. I allude to the state of many islands in the South Seas, whose inhabitants are subjected to every species of evil from the lawless residence amongst them of British subjects, and especially of convicts who have escaped from our penal settlements. The islands of New Zealand afford the most striking example both of an urgent necessity for some comprehensive measure of prevention, and of Lord Glenelg's carelessness. And here again I may refer to a Committee of this House—the Committee on Aborigines, which, in 1836, collected very conclusive evidence on the subject, and of which the Under-Secretary for the Colonies was a member. It appears from the evidence before that Committee, and from other documents recently laid on the table of the House, that not less than 2,000 British subjects have settled in New Zealand; that so many as 200 of them are absconded convicts; that they are not subject to any law or authority; that they do exactly what pleases them; that they have pleased to commit crimes towards the natives, at which humanity shudders; and that, in fact, the native race is rapidly disappearing before them. It is in evidence, that lawless fellow-subjects have excited the native tribes to wars and massacres in order to obtain tattooed heads as an article of commerce; that they have taught the natives to employ corrosive sublimate in poisoning their enemies, and have actually sold them that poison for the purpose; that these outcasts from British society have taken an active part in the cruel slaughters of one tribe by another; that they have introduced the use of ardent spirits and of fast-destroying disease; and that, as a natural consequence, "the natives are swept off in a ratio which promises at no very distant period to leave the country destitute of a single aboriginal inhabitant." The last statement I have given in the very words of Mr. Busby, an officer of the Colonial department, who resides in New Zealand, for no other purpose, it would appear, than that of writing accounts of these enormities for the use (should I not rather say for the utter neglect?) of Lord Glenelg. He says further, "District after district has become void of its inhabitants, and the population is even now but a remnant of what it was in the memory of some European residents." Now, is this a case of urgency? Is this a matter to be slept over for years, until the native race shall have disappeared altogether?

And further, I venture to ask the right hon. Gentleman, the President of the Board of Trade, whether he has not received a memorial, signed by a large number of the merchants and shipowners of London, trading to the South Seas, representing that, unless prompt measures be taken to establish British authority in New Zealand, it is fully to be expected that the lawless British settlers in that country will become a piratical community like the bucaniers of old; and that even now the greatest danger is to be apprehended to our shipping? What has the noble Lord, who should have been most conversant with this evil and this danger—what has he done, either on behalf of the natives of New Zealand or of our shipping in the South Seas? What has he proposed? What has he thought of? He has done—proposed—thought of—absolutely nothing! If it had been a matter in the moon, he could not have been more careless about it.

The next colony to which I will refer, is the Mauritius. Last year, the state of that colony was brought under the consideration of this House on a motion for a Committee of inquiry. Various facts, proving the very disturbed condition of the Mauritius, were stated by an hon. Gentleman intimately acquainted with the subject—I mean the learned civilian, the Member for the Tower Hamlets. Those statements were not contradicted by any one. To this high and unquestionable authority I shall now appeal for the facts I am about to mention. He said, "The most extraordinary circumstances have been detailed to me, (and they are not yet denied), as to the conduct, or rather misconduct, of various governors of the island of Mauritius, and as to the administration of justice, or rather its maladministration there." "Since the year 1810, there has been in that colony, a perpetual violation of the statute law of the land. Upwards of 20,000 felonies have been committed (as admitted by Sir G. Murray), and remain unpunished, without one solitary exception; and up to the present hour these wrongs remain unredressed." The slave trade has been carried on in opposition to the law. When, from time to time, this country has applied to the French government to enforce the provisions of the act for the abolition of the slave trade, "France," said the hon. Gentleman, "taunted us by saying, that our power was defied and our laws evaded by our own colonists. This opposition to the law prevails up to the present hour; it has existed in its most malignant form, for the last three or four years. I will not consent to throw the veil of oblivion over the conduct of those who avow their crimes and boast of their impunity. What has been the history of the last four years? Treason has been triumphant in the Mauritius; thousands of colonists have been banded in arms against the domination and power of England; manifestoes have been published throughout the colony, in which the wretches who indicted them dared to say that the time had come when assassination —assassination by the sword, by poison, or by fire, was to be justified. This has been the state of the Mauritius—these the crimes which have been raging." He likewise asserted, that "20,000 individuals, who were as much entitled to their freedom as any man in this House, have been kept for the last fifteen years, contrary to both law and justice, in a state of the most cruel slavery." These are a few of the facts adduced by the learned Civilian, when he demanded last year an inquiry into the state of the Mauritius. The refusal of that inquiry, he said, would be "a triumph to those who have hitherto rebelled against the British Government, and hopeless misery and despair to those who have been the victims for so many years of this cruel persecution. The free coloured people of the Mauritius, a very numerous and intelligent body, a deputation of whom have come to this country to seek for justice and inquiry at the hands of a British House of Commons, will sink into despair if inquiry be denied, and they are told to place themselves again at the mercy of those from whom they have already experienced so much injustice and oppression. This deputation will go back, believing that they and those whom they represent, are devoted victims of the other party." A similar tone was taken by my hon. Friend, the Member for Liskeard. Notwithstanding the eloquent complaints, the friendly entreaties of these hon. Gentlemen, the inquiry was denied; and I feel justified in asserting, that the state of the Mauritius is most critical.

What has Lord Glenelg done, proposed, thought of, with a view to the critical state of the Mauritius? If information on the snbject were required by this House, the return, I fear, would be "*nil!*" It matters not where the emergency may exist, or how great it may be, in every case where decision, activity, energy, is especially required, there we shall find, not that the noble Lord has done more than in other cases, but only that his inactivity and supineness are the more to be deprecated and regretted.

The next colony to whose critical—might I not say deplorable?—state I would wish, Sir, to call your attention, is our settlement in Southern Africa, at the Cape of Good Hope—a territory larger than the whole of the mother country. It was once inhabited by numerous aborigines, rich in flocks and herds; by the Hottentots and the far superior race of the Caffres. The natives have nearly disappeared, partly massacred, partly driven from their native country; even now the system of destruction is going on, and in proportion as our frontiers are extended the native tribes are swept away. Sir, I can appeal to the labours of a Committee of this House, the Committee on Aborigines, for a confirmation of my statement. "Any travellers," say they, "who may have visited the interior of this colony little more than twenty years ago, may now stand on the heights of Albany, or in the midst of a district of 42,000 square miles, on the west side of Graaf Reinet, and ask the question, 'Where are the aboriginal inhabitants of the district, which I saw here on my former visit to this country?' without any one being able to inform him where he is to look for them to find them." What, I ask, has become of them? They have perished. They were generally exterminated by those execrable military expeditions, commenced by the Dutch, continued by the English, which are termed commandoes. Another cause of the destruction of the natives is, the interminable wars occasioned by the stealing of cattle. The colonists, on the most futile pretexts, have frequently carried off the cattle of the natives. The natives, deprived of the means of subsistence, must either perish or rob. If they rob the whites, they are exterminated by the commanders; if they rob their weaker neighbours, these again, thus left to starve, must rob those beyond them or perish. Thus the first robbery by our colonists has given rise to a succession of robberies, and native wars which have desolated the most central parts of the continent of Africa. One of the witnesses examined before the Aborigines Committee says, "It must be obvious that there can be no other limits to the baneful effects of such a system than those which nature may have fixed by seas or natural boundaries; and it is to be feared that the evil increases as it rolls from one part of this ill-fated continent to another. The mischief we now deprecate is, of all the mischiefs which have attended the slave trade, the greatest, and there is not in the centre of Africa at this moment a fragment of society that has not been dashed to pieces against another by the capture of cattle in the wars which have originated in the attempts to procure slaves." Thus, Sir, our colonists are producing in Southern Africa, by seizing the cattle of the natives, evils similar to the worst of those created in central Africa by the slave trade. Besides these evils, which have long existed, and for which it may be difficult to find an adequate remedy at the present moment, the most extraordinary events are taking place in the colony, which prove the inability and feebleness of the Colonial Government. A formidable body of Cape boors, amounting in number, according to the statement of their leader, to no less than 900 armed and disciplined men, carrying along with them their wives and children, sheep, cattle, waggons, household stuff, and farming utensils, have left the colony, and set our authority at defiance. Some few of this party alone carried along with them 91,000 sheep and 3,200 head of horned cattle. Their object is to cross the country of the Caffres, and fight their way, if needs be to Port Natal, in the Zoolah country a settlement on the eastern coast, several hundred miles distant from the frontier of the Colony, purchased from the Zoolah King, where about 3,000 persons, whites and blacks, are now established. This settlement was long unrecognised; I know not whether it is even now recognised by the Colonial-office. The settlers there have denied their allegiance to this country, and they have rejected our agent with impunity. To this point the wandering horde to which I have alluded, are now directing their steps, if they have not already reached their destination. They have had the fiercest encounters with the natives, and in ranged battle with one of the native chiefs they have slaughtered, at the lowest computation, 400 of his followers. The reasons for this strange migration are stated by the leader in a letter to the governor, dated Sand River, 21st July, 1837: he says,

> "The undersigned conductor and chief of the united encampments hereby humbly sheweth, that as subjects of the British Government we, in our depressed circumstances, repeatedly represented our grievances to his Majesty's Government, but in consequence of finding all our efforts to obtain redress fruitless, we at length resolved to abandon the land of our birth, to avoid making ourselves guilty of any act which might be construed into strife against our own Government; that this abandonment of our country has occasioned us incalculable losses; but that, notwithstanding all this, we cherish no animosity towards the English nation. That, in accordance with this feeling, commerce between us and the British merchants, will, on our part, be freely entered into and encouraged, with the understanding, however, that we are acknowledged as a free and independent people."

Their object, according to resolutions adopted by them at Caledon, on the 14th of August, 1837, is "to establish a settlement on the same principles of liberty as those adopted by the United States of America, carrying into effect, as far as practicable, their burgher laws." No one can tell what disastrous commotions may be produced by this Tartar horde of wandering boors. The sanguinary conflicts which have already taken place are but precursors of fresh and deadly struggles, and hapless the lot of the miserable natives who become subject to these bold and determined men, merciless to their despised fellow-beings. The system of colonial government which has produced these results is well and briefly summed up before the Aborigines' Committee by one of the witnesses, in the following terms:—

> "It gives satisfaction to neither party on the frontier; the colonists complain that Government affords them neither protection nor redress, that they are always insecure and always sufferers; the Caffres, on the other hand, represent the whole system as founded on false principles, and stained with injustice and cruelty to them; and the impartial observer soon becomes satisfied that both parties have ground for discontent and alarm."

Here then, Sir, we have an important colony completely disorganised. The extermination of the natives is rapidly proceeding. Part of the colonists are in open rebellion, or have wandered into the deserts to escape from British authority. Discontent prevails on all sides. Whatever the differences amongst her Majesty's subjects there, each party complains of the Government; no party is attached to the British Crown. Do I blame Lord Glenelg for this most unhappy state of things? By no means. The present deplorable condition of Southern Africa has been occasioned by our system, or rather total want of a system, of Government. For this, Lord Glenelg is not particularly to blame; but see what the want of a system has produced; observe in how very miserable and critical a state the colony is at last; and then, Sir, let us decide whether it be not high time to adopt some system of government there; to apply a remedy of some sort for such crying evils. Sir, would an assiduous and energetic Colonial Minister have allowed such evils to grow to such a pitch without proposing some kind of remedy for them? Can we expect any efficient remedy from the infirm hands of Lord Glenelg? If not, and if the House really care at all about this important colony, then will they agree to my motion; and more especially if they should be of opinion that there are many colonies besides those already mentioned, whose peculiarly critical state at this moment calls for more than average energy, diligence, and wisdom, in the head of the Colonial Government. I should have added, that the governor of this colony has just been recalled. That makes two: we shall soon come to more.

I proceed, then, to another colony, whose condition is more than usually embarrassing and troublesome—the anti-slave-trade colony of Sierra Leone. Far be it from me, Sir, to cast a shadow of blame on Lord Glenelg for the total failure of this colony as a means, which it was intended to be, of checking the slave trade. Nor is it any reproach to Lord Glenelg that we have lavished millions after millions upon establishing a settlement which appears to have had no other result than a profuse expenditure of public money and human life. The misgovernment of this colony is proverbial. The peculation, the lavish expenditure, the public plunder, for which it has been notorious, have given it so bad a name, that it may be aptly designated as one enormous job. Now, if I am not mistaken, the governor of that colony has just been recalled; has been driven away from the colony by the jobbers and peculators who fatten there on the spoil of the public. And, in order that my statement on this subject may be easily corrected if it be erroneous, I will address it in the form of a question to those who are best acquainted with the facts. I would ask the right hon. Gentleman, the Chancellor of the Exchequer, if he did not, when occupying Lord Glenelg's present office, appoint the present governor of Sierra Leone, selecting him on account of his upright, straightforward, and energetic character, as a person well qualified to bring about some reform in that great job in the shape of a colony? Did not the Gentleman in question proceed to Sierra Leone as a Reformer? A Reformer in Sierra Leone! The fact of such a monster need not be told. The reforming governor of Sierra Leone, though he was eminently successful in attaching and conciliating the natives in the neighbourhood, soon gave offence to the small band of official jobbers who call themselves the colony, and was removed accordingly! If the hon. Baronet, the Member for Devonport, object to my statement, let him move for copies of the correspondence between the Colonial-office and the late governor. If that were done, the House would see that Sierra Leone is another case of colonial trouble and difficulty for which Lord Glenelg is responsible, but for which it is not to be expected that Lord Glenelg will provide a remedy.

This, Sir, is the third recent case of a governor's removal on account of differences with Lord Glenelg's department. Let me now mention a fourth—that of the new colony of South Australia, whose governor, appointed by Lord Glenelg not more than eighteen months ago, has been just recalled. I have no doubt that this recal may be justified, just like that of Sir F. B. Head; but if so, how does Lord Glenelg justify the appointment? and have not the appointment and the recal together placed the colony in that state which is sometimes called a state of "hot water?" If we add to these four the resignation of Lord Gosford and the recal of Sir Francis B. Head, there will be no less than six recent cases of the removal of a colonial chief magistrate for extraordinary causes, and under circumstances of extraordinary difficulty and trouble for the colony. Here are six gentlemen at least who have cause to rue the day when they became subordinates of Lord Glenelg — Sir Richard Bourke, Sir Benjamin D'Urban, Major Henry Campbell, Captain Hindmarsh, Lord Gosford, and Sir Francis Bond Head. Here are six colonies at least in a state of "hot water." Surely, Sir, my proposition as to the critical state of the colonies and the incompetency of Lord Glenelg cannot but be true. But let us proceed to further proofs and illustrations.

Our slave colonies—no, our apprentice colonies—in the West Indies, great and small, insular and continental, Crown and chartered, present a wide and very productive field of trouble, embarrassment, and danger. Sir, in alluding to them, I shall confine myself to subjects which come strictly within the terms of my present motion, being of peculiar urgency at the present time; nor shall I dwell on all of those subjects. The subject of the gross violation of the Emancipation Act has been exhausted in the other House of Parliament, and Lord Glenelg, though rather late in the day to be sure, has promised to submit to Parliament a measure for giving us that which we thought we had purchased by 20,000,000*l.* of redemption-money. I would ask what the Colonial Minister has done, or proposed, or thought of, in respect to two other matters belonging to West Indian affairs, which, if he possessed the faculty of attention, would urgently require its exercise. I allude to precautions against the time, now very near at hand, when there will be an end to all compulsory labour in the West Indies, and when the negro inhabitants of our chartered colonies will claim the right and the power to elect negro members to the local Parliaments. So long ago as in January, 1836, Lord Glenelg, or some other person writing in his name, seems to have been struck with the great importance of the former of these subjects, and even to have devised a sufficient means of preventing the apprehended evil. In a circular of that date, addressed to the Governors of his Majesty's possessions in the West Indies, Lord Glenelg said, or was made to say— "It must not be forgotten, that the conditions under which society has hitherto existed will, on the expiration of the apprenticeship, undergo an essential change. During slavery, labour could be compelled to go wherever it promised most profit to the employer. Under the new system it will go wherever it promises most profit to the labourer. If, therefore, we are to keep up the cultivation of the staple productions, we must make it the immediate and apparent interest of the negro population to employ their labour in raising them. There is reason to apprehend, that at the termination of the apprenticeship this will not be the case. Where there is land enough to yield an abundant subsistence to the whole population in return for slight labour, they will probably have no sufficient inducement to prefer the more toilsome existence of a regular labourer, whatever may be its remote advantages or even its immediate gains. Should things be left to their natural course, labour would not be attracted to the cultivation of exportable products, until population began to press upon the means of subsistence, and the land failed (without a more assiduous and economical culture) to supply all its occupants with the necessaries of life. In order to prevent this, it will be necessary to prevent the occupation of Crown lands by persons not possessing a proprietary title to them, and to fix such a price upon Crown lands as may place them out of the reach of persons without capital." Here a great danger is plainly indicated, and the means of prevention as clearly pointed out. The danger is, that the whole of the labouring population of the West Indies should, as soon as they become entirely free, refuse to work for wages—should set up, each one by and for himself, on his own piece of land; and that thus capitalists should be left without labourers, to the certain ruin of the industry of those colonies. Sir, I, for one, have no doubt that in all those colonies where land is excessively cheap, the apprehensions of the noble Lord will be fully realised; but along with the expression of his fears, the Colonial Minister suggested a measure of prevention. "It will be necessary," he says, "to fix such a price upon Crown lands as will place them out of the reach of persons without capital; and this plan of preserving labour for hire by means of rendering the acquisition of waste land more difficult, was strongly recommended to Parliament by the Committee to which I have referred. As the plan could be of no use whatever unless adopted some time before the total emancipation of the apprentices, it will be supposed, that the noble Lord has followed up his important dispatch by proposing some general and efficient measure founded on his own views and those of the Committee in question. By no means; the subject remains just where his dispatch left it in January, 1836; as if, notwithstanding its great importance, it had fairly slipped from the memory of the Noble Lord. Is this a case of culpable neglect? I appeal to the hon. Gentleman, the Member for Newark, than whom no Member of this House is better acquainted with the subject; but to this case of culpable neglect I have now to add one, in reference to the same subject, of culpable activity, if the term "activity" may be applied to any proceeding of the noble Lord.

The planters are impressed, as was the noble Lord, in January, 1836, with the necessity of taking some precaution against the year 1840, as respects the supply of labouring hands. They have devised a new kind of slavery, and a new kind of slave trade; and this invention the noble Lord has, by an order in coucil, dated the 12th July, 1837, fully sanctioned. This order in council authorises the planters of Demerara to import into that colony to serve as labourers—"indentured labourers" I believe is the term employed—what class of people does the House imagine? Englishmen or other Europeans who might assert their rights as "indentured labourers?" No. Freed Negroes from the United States, who, being of the same race, and speaking the same language as the present colonial population of British Guiana, might be "indentured labourers" without becoming slaves? No. But a class of people the most ignorant, the most strange, the most helpless, in all respects the most fit to become slaves under the name of "indentured labourers." They are called Hill Coolies. The country from which they are to be imported, after being kidnapped, is the East Indies. In New South Wales, the same apprehension of a want of labourers (which, as I have already said, the noble Lord might have prevented by expending the emigration fund, instead of keeping it locked up in the public chest at Sydney) has led to a similar project for the importation of Hill Coolies. This attempt to establish a new kind of slavery was condemned by the late governor, Sir R. Bourke, in a despatch now before the House. Should we not condemn the noble Lord for having sanctioned a similar attempt in British Guiana? That new law of slavery—that piece of colonial legislation—will surely be repealed, now that it has come to the knowledge of the British public. But will this set up the noble Lord as a statesman qualified to save the industry, the whole productive power of the West Indies, from total overthrow in the year 1840?

The political prospects of the West Indies are not less gloomy than those which relate to productive and commercial industry. In the chartered colonies, above all, which possess local representation, is it to be believed that the two races—the masters and the slaves of yesterday—today perfectly equal as to political rights—will sit down peaceably together in the same legislature? Will not the blacks, as they may easily do, seek to obtain a majority in the local Parliament? And will the whites, the haughty masters of yesterday, quietly submit to what they will consider so deep a degradation as being ruled by their recently emancipated slaves? Let the question be answered by referring to the actual state of political opinion amongst the whites of Jamaica. If ever a colony was rebellious at heart—if ever a colony was in a state of dangerous excitement—this one is! The whole of the West Indies indeed, economically and politically, are in a most critical state. The state of the West Indies, having reference to 1840, calls especially for forethought, for precautionary measures. Are we to trust to the noble Lord for such measures of forethought, of precaution? Or are we, so surely as we place any reliance on the noble Lord's energetic sagacity, to wait quietly—nothing done, nothing proposed, nothing thought of—till 1840 is upon us? Sir, may I not say, that the noble Lord has neglected to take, and seems incapable of taking, any precautions to render harmless the great revolution—economical, social, and political,—which must happen in the West-Indies two years hence? Considering the near approach of 1840, is it fair,—is it just—is it commonly humane—towards our fellow subjects in the West-Indies, who, be it always remembered, have no representation in this House—to let the noble Lord continue fast asleep at the head of colonial affairs? According to the treatment of my motion by the House, will be the answer to this question. If the House decide uninfluenced by considerations altogether foreign to the subject, who can doubt of the result?

The House will, I trust, have observed that neither in referring to the dangerous condition of any colony, nor in questioning the capacity of the noble Lord to deal with the existing circumstances of our colonial empire, have I mentioned the subject of the colonial policy of this or any other Administration. That subject I conceive to be foreign to the question before the House. With this impression I should not, except for the purpose of correcting a misrepresentation as to myself, have even alluded, as I did just now, to the subject of colonial policy in the abstract. Neither general principles, nor particular measures founded upon this or that principle, have anything to do with my proposition as to the actual state of colonial affairs, and the incapacity of the present Colonial Minister. The questions which I have submitted to the House are questions of mere fact. I inquire not into the causes of the present critical state of colonial affairs. I have no concern on the present occasion with the opinions of the noble Lord or of his colleagues, or of any other person, on the subject of colonial policy. Still less should I be willing to obtrude on the House any opinions of my own with respect to subjects, between which and the question at issue there is no kind of relation whatever. In proceeding, therefore, to say a few words on the condition of our North American provinces, I put aside altogether the differences between the Assembly of Lower Canada and the Colonial-office. I stop not to ask which has right or justice on its side—the Office or the Assembly. With a view to the motion before the House, I have not a word to say about the resolutions of last year, or the act of this year. Against both of those measures I spoke and voted at the time, and should be ready to do so again on a fitting occasion; but if both of those measures had had my strenuous support, instead of my most determined opposition, such a course would not in the least have precluded me from submitting my present motion to the House. I have the honour of addressing the House on a totally different question. And first, Sir, as to the noble Lord's manner of carrying into effect the policy of the Government towards Lower Canada. Need I recur, Sir, to those wearisome despatches which have impressed upon the country at large a conviction of the noble Lord's pre-eminent unfitness for the conduct of difficult affairs? Need I, following a noble Earl in the other House of Parliament (Aberdeen), count over again the long list of promises forgotten—of assurances never fulfilled—of instructions which never arrived until it was too late—of excuses for leaving Lord Gosford without instructions—of postponements without a reason—of apologies and pretexts for delay when promptitude was most requisite—of self-contradictions, hesitations—meaningless changes of purpose, and other proofs of an inveterate habit of doing nothing? "In fact," said the noble Earl, "the system that the noble Lord went upon, was that of doing nothing." Doing nothing reduced to a system! This system of the noble Lord has much to answer for. Who will deny that it was the main cause of the revolt and bloodshed in which it ended? If the recent accounts from Lower Canada make it appear, as I think they do, that the policy of the Government towards that country has fewer or less determined enemies there, than was lately supposed, yet those favourable accounts cast still heavier blame on the noble Lord's extraordinary system; tending, at least, to show that the most ordinary degree of decision and promptitude would have prevented the revolt altogether. The easy suppression of the revolt, however, by no means establishes that the colony is in so little a critical state as to be fit for the noble Lord's peculiar system. So again of Upper Canada. Does not that colony require, particularly just now, from the head of our Colonial Government a system very different from that of the noble Lord? Is it probable—is it possible—is it in the nature of things, that the noble Lord should so far change his second nature as to conquer the habit of doing nothing? But it may be said the Government of our North American provinces has been taken out of the hands of the noble Lord, and confided to a noble Earl (Durham) who possesses in an eminent degree the personal qualities in which the noble Lord is most conspicuously deficient. I have heard this said, Sir, but cannot understand it. I readily acknowledge the statesmanlike qualities of the noble Earl, whose personal character seems to qualify him, above most men, for the performance of difficult and arduous public functions. Let me acknowledge the very striking contrast between the habits of the noble Earl and the system of the noble Lord. But, what then? From whom is the noble Earl to receive—from whom has he already received—instructions? To whom is he to make reports? Who is to bring before Parliament the legislative measures the noble Earl may propose? Answer to all—the noble Lord wedded to his system of doing nothing? Does it not therefore appear, not only foolish, but almost ridiculous, to make such a person as the noble Earl subordinate to the noble Lord? They had far better change places; for the system of the noble Lord is one in which subordinates cannot well indulge, least of all under such a chief as the noble Earl; and it is in the chief, the head of our colonial department, that the qualities of diligence, forethought, judgment, activity, and firmness are most required.

Sir, I have detained the House too long, and will trouble them with but a few words more. Hon. Members, far better acquainted than I can pretend to be, with the history of Parliament, will confirm me in saying that this motion is fully justified by precedent; but I will not rely at all on this justification. I rely wholly on the truth of my proposition, and the expediency of affirming it. This appears to me to be a case for which we ought to make a precedent, if there be none to direct us in providing a remedy for the evil. Whatever may be thought of the motion, the case, I will venture to say, is without precedent. Were our colonies, ever since we established a central Government for them, in so critical a state before? When did so many and so grave questions press upon the attention of a Colonial Minister? Is there a single Member of the House who will say upon his conscience that the present Colonial Minister possesses any one, or is not deficient in all, of the qualities mentioned in the proposed address to the Crown? Sir, my proposition is true, and upon that I alone rely; for if such a proposition be true, who will deny the obligation upon us to provide an adequate remedy for the evil? Sir, instead of searching after precedents, I point to the millions of our fellow-subjects who are unrepresented in this House—to the great branches of domestic industry which depend upon the well-being of our colonial empire—to New South Wales, sinking into a state of irreclaimable depravity, with its free emigration fund locked up in the Government chest, and its oft-promised constitution withheld year after year—to the Mauritius, with its 20,000 freemen held in bondage by the insolent and would-be rebel planters—to South Africa, almost denuded of its native inhabitants, distracted by factions who agree in nothing but their curses of the Colonial-office, and its horde of rebels gone forth into the wilderness to conquer an inheritance of oppression over the helpless natives—to the " white man's grave," that job of jobs, which is rejoicing in the recal of a reforming Governor—to the West Indies, bordering on the ruin of their industry, inventing a new slave trade with the sanction of the noble Lord, in order to counteract the noble Lord's total neglect of the means which he himself has pointed out as necessary to preserve the use of capital in those fertile lands; grossly evading the Emancipation Act, after pocketing its enormous price; and fast approaching the time when, without a single precaution with a view to that strange event, 800,000 negro slaves will in one day acquire the same political rights as their masters of another race; and with the most important of those possessions in a state little short of open revolt;—and lastly, to the North American provinces, where open revolt has just been suppressed—where civil bloodshed has excited the passions of hatred and revenge—where a constitution is suspended, and martial law is still in force, and where there is no prospect of peace and contented allegiance, but in the prompt settlement of a great variety of questions of surpassing complexity and difficulty. I point to all these colonies in a state of disorganization and danger; and then to the interests at home, which depend, more or less, on the productiveness of colonial industry—to Birmingham and Sheffield—to Leeds, Liverpool, and Glasgow, and to the great colonial shipping port of London. This done, instead of searching after precedents, I would remind the House of the noble Lord's system, as described by his immediate predecessor in office—the fatal system of doing nothing at all! If truth and the public interest are to prevail, the House will surely accede to my motion, whether or not it be according to precedent.

One word more, and I shall no longer trespass upon the patience of the House. It has been suggested to me, that my motion would have been more likely to be carried if it had applied, not to a particular Member of the Government, but to the whole Administration. For the following reasons, I have not listened to that suggestion. The subject relates strictly to the colonial department, and I wish to confine myself to the subject. It may be true that the whole Cabinet should be held responsible for the errors and defects of the Colonial-office—that may be a good constitutional principle, but I am not aware of it. Not being aware of it, I have pursued the plain and simple course of attributing to the Colonial Minister alone his own errors and deficiencies. The other course—that of proposing a vote of want of confidence in the Ministry on account of the state of a single department—would have been far more agreeable to me in one respect, inasmuch as it would have relieved me from the suspicion (which however I trust that none who know me will entertain) of being actuated by personal hostility to Lord Glenelg. On that account alone I should have much preferred moving for a vote as respects the Cabinet; but I felt that my first duty was to place the subject before the House in the light best calculated to obtain their attention, and therefore have I confined to the Colonial Minister the proposal of a vote of censure for matters which are exclusively of a colonial nature. I have very likely erred through inexperience of the usages of Parliament and the Constitution; but I have acted according to the best of my judgment, and throw myself upon the indulgence of the House. I conclude by moving, "That a humble address be presented to her Majesty, respectfully expressing the opinion of this House that in the present critical state of many of her Majesty's foreign possessions in various parts of the world, it is essential to the well-being of her Majesty's colonial empire, and of the many and important domestic interests which depend on the prosperity of the colonies, that the Colonial Minister should be a person in whose diligence, forethought, judgment, activity, and firmness, this House and the public may be able to place reliance; and declaring, with all deference to the constitutional prerogatives of the Crown, that her Majesty's present Secretary of State for the colonies does not enjoy the confidence of this House, or of the country."

Viscount *Palmerston* could not say he rose, on the present occasion, with any reluctance, for he rose to vindicate an absent Friend from an unjust and ungenerous attack, and to defend the Government of which he was a Member, from an unfounded and unmerited censure. He rose to defend the Government, because, although the hon. Baronet had chosen to select one Member of the Administration as a peg on which to hang that which was really and substantially an attack on the Government at large, it was as an attack on the Government that he must consider and should meet the hon. Baronet's motion. They must speak in that House plain English; they must give things their real names, and he would not accept the motion as an attack on one Member of the Government — he would deal with it as an attack on the Government as a whole. According to the constitution of this country, the Government was not an aggregation of separate departments; it was well known that the leading measures of every department were submitted to the consideration of the Cabinet, and that the Cabinet was responsible in its joint capacity for all the great outlines of the measures of each department, although the execution of those measures might rest with particular heads of the departments concerned. It was, therefore, as an attack on the Government that he meant to meet and dispose of this motion. He did not at all complain of this attack, nor even of the course which the hon. Baronet had pursued, as inconsistent with the principles of the constitution and Parliamentary practice. It was undoubtedly competent for any person feeling no confidence in the existing Government to call on that House to affirm and support his opinion; but in one respect, at least the hon. Baronet had produced a novelty in Parliamentary practice. It was perfectly natural, that when parties were nearly balanced the leader of a great political party in this country—one who by his former political conduct had obtained the confidence of a large portion of the community—who might be surrounded by troops of friends in that House, consisting of men able, by their talents and experience, to assist him in forming that Administration which he would substitute for one he intended to dismiss—it was perfectly natural that such an one should make such a motion, prepared as he would be to carry on the public service, if he succeeded in removing the Government against which his motion was directed, and if the right hon. Baronet opposite (Sir R. Peel) had made this motion of want of confidence in the Government, although he should have been prepared to state his reasons why it should not be acceded to, yet he should, in such a case, have made no objection to the quarter whence the motion would have come. But he could pay no such compliment to the hon. Baronet who brought forward this motion. He would not suggest the difference there was between two such opposite quarters; but this he would take leave to say, that the present motion did not come with peculiar fitness from its present quarter. The hon. Baronet had not been quite as successful in execution as he appeared to be hostile in design. He had not shown that his power to strike was equal to his desire to wound; and after the pompous announcement by which his motion was ushered in, and the call of the House for the occasion of this great attack on his noble Friend, he must say, that one of the difficulties he experienced in rising to reply was, that he was almost at a loss to find a charge which there had been an attempt to substantiate against his noble Friend and the Government. The hon. Baronet, indeed, had gone through a long catalogue of the colonies, and made remarks on each; but in almost every instance, either the accusation brought forward was founded in circumstances or events long antecedent to the period when his noble Friend was charged with the colonial administration, or the hon. Baronet himself had in so many words abandoned the charge. The hon. Baronet, however, had said, he did not mean this as an attack on the Government. He must, however, construe the motion by its necessary effect, not by the hon. Baronet's disclaimer. The hon. Baronet said, he hoped he should not be met by reference to former speeches, nor by assertions that he meant to promote, by this motion, the spread of democratic institutions. No such charge would he make, but he must take leave to point out a remarkable contrast between the speech which had been made to-night, and the tendency of this motion and another speech the hon. Baronet had made not long ago on matters not altogether foreign to the present question. The hon. Baronet now said, if this motion should have the effect of dismissing the Government, although that was not his intention in bringing it forward, still such an effect would not break his heart. The hon. Baronet spoke of a Tory Government, with a liberal opposition as likely to induce a better state of things than the present. Now it was not more than four months ago, that the hon. Baronet had met his late constituents in Cornwall at a public dinner, at which the hon. Baronet delivered a speech, containing his sentiments on the state of the country and of the Administration, and on the relative position of the Conservative and the Liberal parties. In the latter days of October, the hon. Baronet had expressed great apprehensions lest the majority in the House of Commons in favour of her Majesty's Government should gradually disappear. He anticipated, that the election Committees would make such a change in the relative position of the two parties in the House as would soon give a majority to the Tories. "It is with unfeigned sorrow," said the hon. Baronet, "that I state this to be the result of my sincere conviction. I cannot under the influence of my wishes, alter this belief; nor, in my opinion, can any advantage be derived from endeavouring to blind ourselves to the dark prospects immediately before us. I do not mean to attack or accuse her Majesty's Ministers. No advantage can result from it at the present moment. I wish them to retain power, even if all that is to be gained thereby is the proper distribution of patronage in Ireland." Those were the sentiments which the hon. Baronet expressed at that time, and there was no occasion for him to point out to the House how very different they were from the sentiments which the hon. Baronet expressed now. At the close of the dinner, this toast was also given—"Her Majesty's Ministers, so long as they study the interests of the Reformers of Great Britain;" and for this toast thanks were returned by —Mr. Leader. He, therefore, must be permitted to say, that if this motion were really directed against the whole Government, as he verily believed it to be, the hon. Baronet would have shown better taste, better judgment, and better feeling, had he included all the Ministers, instead of endeavouring to hold up to public obloquy one single member of the Government. If the object of the hon. Member were to procure the dismissal of the present administration, he certainly ought not to have levelled his accusation against an individual Member of it. When he said, that the hon. Baronet had levelled his accusation against the Government, he was sure that the hon. Baronet could not but feel in his heart that his motion, if carried, must produce the removal of the present administration. Did the hon. Baronet suppose, that the present Cabinet either would or could remain in office, if one of its Members were to be driven from it by a direct vote of censure of that House? If the Members of the Cabinet were so base as to think of remaining in office after such a vote, the House of Commons would not permit them to retain their power. No House of Commons would ever permit a set of men to retain their places, who had allowed one of their colleagues to be sacrificed to save themselves. It was for this reason that he persisted in saying, that the hon. Baronet had acted unfairly by his noble Friend (Lord Glenelg) in launching against him a motion which was substantially aimed against the whole administration. There was nothing either in the private or in the public character of Lord Glenelg, which could form any excuse for so ungenerous and so unhandsome an attack. Lord Glenelg was neither an unknown nor an untried man. He was a man whose talents were admitted, whose acquirements were acknowledged, whose principles were known, and whose services had become matter of public record. His noble Friend had been invariably the supporter of liberal principles in every situation in which he had served. When he was Under-Secretary in Ireland, his noble Friend had been the steady and unflinching advocate of the claims of the then oppressed Catholics, and that, too, at a time when the advocacy of the Catholic claims was not the road to political advantage. When his noble Friend was at the Board of Trade, first as Vice-President and subsequently as President, he was the steady supporter of those liberal principles of political economy which were first advocated by the late Mr. Huskisson, and which brought down upon his head so much unmerited obloquy from ignorant prejudice. As President of the Board of Control, his noble Friend had framed and carried through Parliament that system of government, under which it had been determined to rule in future our extensive empire in the East, and which had opened to the industry of the inhabitants of this country the vast regions of that continent, peopled by a hundred of millions of human beings. And if that measure should open wide, as he had no doubt it would, the portals through which the blessings of civilization and the light of Christian truth, were to spread over that now benighted region, it would be matter of marvel to the historian in future times, how it came to pass that in the lifetime of the individual who carried so great a measure there was found in the House of Commons, aye, and in the ultra-liberal part of it, a man who had gravity enough to affirm that that individual was incompetent to conduct the administration of the colonial empire of this country. There was nothing in the public conduct of his noble Friend, Lord Glenelg, but what redounded to his honour,—nothing in his administration of important public departments but what proved him to be eminently qualified for the service of the public. The hon. Baronet, in his anxiety to find topics for an attack upon his noble Friend, had not been fortunate in selecting his noble Friend's colonial policy; and whether the hon. Baronet had acted from his own unprompted judgment, or whether he had been advised by persons who might have other and ulterior views of their own, he had been unfortunately guided; and his speech of that night was a satisfactory proof that he had acted under most erroneous counsels. The hon. Baronet's first charge against his noble Friend, Lord Glenelg, was the demoralised state of the penal colony of New South Wales. His noble Friend, forsooth, was unfit for the discharge of his arduous duties as colonial secretary, because all the offenders and criminals sent from this country to New South Wales, did not become angels in the course of their passage. Unfortunately for the hon. Baronet, it was the law of this country, not the administration of the colonial department, that added to the demoralization of that penal settlement, of which the hon. Baronet had so loudly complained. He could not pretend to go through all the topics, and though all the personal matters, in which the hon. Baronet had indulged his taste for vituperation, and in all of which he had shown himself marvellously mistaken. The hon. Baronet had represented persons to have been protected in the colonies by Lord Glenelg whom Lord Glenelg had actually removed from office. The hon. Baronet had stated measures to have been taken by Lord Glenelg, which Lord Glenelg had actually prevented. The hon. Baronet had represented Lord Glenelg as idle and unoccupied, when he was active, stirring, and busy. The hon. Baronet had represented Lord Glenelg as indifferent to the interests of the aboriginal inhabitants of our colonies, when a Report of the House of Commons—that very Report which the hon. Baronet held in his hand during his long speech—expressed a very different opinion, and stated, that the conduct of Lord Glenelg, and the policy which he had directed to be pursued, were deserving of approbation. The hon. Baronet had endeavoured to make the House believe, that in New Zealand no steps had been taken by Lord Glenelg to afford to our settlers that protection which ought to be afforded them by the mother country. Did not the hon. Baronet himself well know, that that subject had long occupied the attention of Lord Glenelg—that communications almost without end had passed between Lord Glenelg and the parties who were seeking to colonise that island—and that it was only from the difficulties inherent to the matter in question that their object had not been hitherto attained? The hon. Baronet had then gone to the Mauritius, and had reminded the House that in the year 1810 that colony was in a very disturbed and discontented state, and that the slave trade was carried on there almost without concealment. The hon. Baronet had, however, incidentally stated, that that colony was now satisfied, content, and tranquil; and he did not suppose, that even the hon. Baronet would venture to affirm, that the slave trade was openly carried on there now after slavery itself had been abolished for ever. Indeed the very grounds upon which the hon. Baronet had founded his attack against his noble Friend, Lord Glenelg, had removed every ground of attack against her Majesty's Government; for the hon. Baronet had shown, that the things which he had found fault with had all taken place before Lord Glenelg was a Member of the Government, and that where there had been before discontent and dissatisfaction there now was, under Lord Glenelg's Administration, satisfaction and contentment. The Cape of Good Hope was also an instance of the strange mistakes made by the hon. Baronet in the history of events in his own time. Now, if any colony were to be selected as peculiarly affording the means of refuting the charges of the hon. Baronet he would select the colony of the Cape; for if the hon. Baronet had taken the trouble of reading the documents laid on the table of the House he could not have been ignorant, that the disturbances in that colony, which owed their origin to the continued encroachments of our settlers on the aborigines, had been put an end to by the arrangements of his noble Friend. And when the hon. Baronet spoke of the settlers who had left their original locations and had gone to the eastern frontier of that colony, he should have recollected, that their migration was owing to their having been prevented, by Lord Glenelg's policy, from making any further encroachments upon those very aborigines whom the hon. Baronet had taken under his protection. But, said the hon. Baronet, "that system of encroachment commenced with the Dutch;" and therefore the hon. Baronet inferred that his noble Friend was unfit to remain Colonial Secretary. Again, at Sierra Leone the hon. Baronet had said, that things were not at all to his liking. He admitted, however, himself, that no blame was imputable to Lord Glenelg on that score. Why, then, had he included the position of affairs at Sierra Leone in his speech as a ground of charge against Lord Glenelg, when with his own mouth, he gave a complete justification of Lord Glenelg's conduct by saying, that the abuses which he complained of there, were either of old standing, or in the progress of removal? The hon. Baronet had then proceeded to remark upon the removal of several of the governors of our colonial dependencies. Did the hon. Baronet suppose, that the governors of those colonies, when once appointed, were to remain all their lives in their respective governments? Was he not aware that by the rules of our service our colonial governors were only appointed for a certain limited period? And that of those who had been recently, as he called it, removed, some had resigned of their own accord, and others had completed their stated period of service? But did he suppose, that in our large and numerous colonial establishments instances never occurred in which, without blame to any party, the colonial Minister might feel it necessary to inform a colonial Governor that he must for the future dispense with his services? Again, when the hon. Baronet travelled to the West Indies, he informed the House, that in many of our colonies, and particularly in Jamaica, no provision had been made for the condition of the negroe when his term of apprenticeship was at an end. The hon. Baronet had here been manifestly speaking on a subject on which he had not taken the pains of seeking information, for otherwise he must have known, that her Majesty's Government had for some time past been anxiously collecting information on that subject, and that so far from its having escaped their attention, it had much and often occupied their thoughts. The hon. Baronet had then gone to Canada, and here, though he could not compliment the hon. Baronet either on the efficacy of his speech or on the judgment with which he had selected the topics of it, he must be permitted to say, that from the light manner in which he had touched upon the affairs of Canada, he had displayed more judgment than he had displayed in the other parts of his address, and had given ample and satisfactory proof that recent events had not been thrown away on the hon. Baronet. If there were any colony, on the administration of which, he was inclined more particularly to rest for the vindication of his noble Friend and her Majesty's Government, it was this very case of Canada. What was the state of Canada? Was there any man so ignorant, even among the hon. Gentlemen opposite, was there any man, who had paid so little attention even to the recent debates of that House, as not to be aware that the dissatisfaction of the Canadians did not begin with the accession of Lord Glenelg to the Colonial office? [*Cheers.*] How must his noble Friend, the Member for North Lancashire, have blushed for—how must he, on hearing their late derisive cheers, have been startled at—the deep ignorance of his Friends, who appeared to suppose that the discontents in Canada had originated with Lord Glenelg's taking office in the present administration! Those discontents were well known to be of many years standing; but they had in one province been entirely removed, and in the other greatly diminished during the administration of his noble Friend. The events of the last few months were ample proofs of the wisdom of our administration of that province. True it was, there had been a revolt. But it had been put down—and how? Some of the French settlers in Lower Canada had taken up arms. Had they been supported by the great mass of French Canadians in that province? Quite the reverse. Was it not notorious, that the majority had remained loyal to their Sovereign?—and was not that a sufficient proof that they felt, that connexion with England was more for their interests than separation from it, and that their discontents were not sufficient to induce them to join an armed force in resistance to the authority of this country? What had recently happened in Upper Canada was another satisfactory proof of the general soundness of Lord Glenelg's colonial policy. A short time ago that province was in a state of extreme discontent, bordering almost on actual disturbance. The supplies were refused by its House of Assembly. The whole machinery of Government, as his noble Friend observed on a former evening, had been, in consequence, at a stand; and at that time had a spark fallen on the inflammable materials of that province, the result undoubtedly would have been serious. What, however, had happened since? His noble Friend had redressed the grievances of which the Upper Canadians complained. A few men, who still remained discontented, had recently attacked the capital of the province. They had been repulsed by the inhabitants of the district without the aid of a single soldier of the line. On their repulse, a band of foreign adventurers, assisted by the desperate men who had been repulsed, made an attack on the eastern frontier of the province. There, again, they were repelled by the unaided efforts of the Canadians themselves. A similar attack had been made in a different quarter of the province, and had again been attended by similar results. A province which had thus acted, after being formerly dissatisfied and discontented, afforded undeniable proof that a system, which had thus produced affection instead of discontent, was a system worthy of approbation. He contended that on these grounds the hon. Baronet had signally failed in adducing any ground on which he could fairly propose to the House a resolution of censure against her Majesty's Government. Speaking of our colonies generally, he would say, that, so far from their present condition affording any proof that the recent administration of them had been faulty, it gave ample evidence that the system under which they had been administered by his noble Friend was wise and satisfactory. Our colonies at present were, as a whole, prosperous, contented, and tranquil, and did not afford any the slightest shadow of an imputation on the conduct or policy of his noble Friend. What he would ask the House, was the present condition of New Brunswick and Nova Scotia, colonies on which the hon. Baronet had carefully abstained from saying a word? A few years ago they were as discontented as the Canadas were recently represented to have been. What was their state now? They were satisfied and loyal, and therefore it was, that he again repeated his former assertion, that the speech of the hon. Baronet, and the instances which he had quoted in support of his resolution, so far from justifying his charges against his noble Friend and the Government, proved that they were utterly without foundation. He further said, that if this motion were made directly for the removal of the administration, it was fitting that the House should understand the question on which it was going to vote, and the consequences which its vote was likely to produce. Now, he would ask the hon. Baronet whether he proposed, as might be inferred from something which had fallen from him, to come into office with his own followers, as soon as the present occupants were removed from it? As the hon. Baronet had said, that it did not follow as a matter of course, that the right hon. Baronet, the Member for Tamworth and his followers would take the Government if the present Cabinet were driven from their places, he must suppose that the hon. Baronet thought that he should be able to hold office with the present supporters. And yet he thought that the hon. Baronet would have some difficulty on that matter, as he would have a point or two on colonial policy to settle with his followers before they could act as a combined and a united cabinet. Oh! he had just been given to understand that the hon. Baronet did not wish the people to suppose that he would take upon himself the responsibility of assuming the government of these kingdoms, if his present motion were carried. Then it must be the hon. and right hon. Gentlemen opposite who would succeed to the vacant offices. And let the House consider, with regard to Canada and Ireland, whether those hon. and right hon. Gentlemen would have any chance of conducting the affairs of Government with credit to themselves and advantage to the country. He asserted that in Canada, they could not so conduct them. Things might be done in the Canadas by the present Administration, which would not be accepted if proposed by the hon. Gentlemen on the opposite benches. It was true, that the late revolt had been put down, but much still remained to be done to establish permanent tranquillity and satisfaction in that colony; and he did not think that the hon. Gentlemen opposite, with the peculiar views which they were in the habit of taking on political questions, would be so able as the Members of the present Administration to bring matters there to a satisfactory conclusion. Then, as to Ireland, did hon. Gentlemen opposite imagine they could govern that country? Did hon. Gentlemen opposite imagine they could carry on the Administration while Ireland was in a state of discontent? Why, the peace and tranquillity which were now fortunately established by the wise system of administration, there, would give way to the Kentish fire, and the re-establishment of Orange supremacy. Perhaps, however, the hon. Baronet might say he liked a mixed Administration, or, as it was called on the Continent, a Government of fusion. Perhaps the hon. Baronet might think that when the victory was gained, he himself and the right hon. Baronet, the Member for Tamworth, would meet on the field of conquest and divide the spoils of the battle. Possibly his noble Friend, the Member for North Lancashire, might be associated with them to make up the triumvirate. But what curious sacrifices would the Members of such a Government have to make in order to be able to act in union! The hon. Baronet, the Member for Leeds, would be obliged to surrender Ireland to Orange domination; the right hon. Baronet and his noble Friend would have to submit to the dominion of the ballot-box, and to deliver up Canada to the M'Kenzies and Papineaus. Yes, such a confederacy would lose Canada and Ireland for the sake of following in Westminster the example of Marylebone; for the sake of seeing that union of extremes effected which it now appeared was the only system upon which public men could act with advantage. The motion of the hon. Baronet, if it were founded, as he implied, upon the question of Canada, was not only groundless but unseasonable. Why had the hon. Baronet not proposed to remove the Government before the Canada bill was passed? If the hon. Baronet thought Government incompetent to administer our colonial affairs, why had he not prevented them from investing Lord Durham, the new Governor-general of Canada, with dictatorial powers! The hon. Baronet said he had opposed the bill. Opposed the bill? Why, had the hon. Baronet any chance of opposing the bill successfully? Did he not see that hon. Gentlemen opposite supported it, and that against both sides of the House, the attempt must necessarily be vain? Why did the hon. Baronet not propose to remove Government at that time? When the bill was pending the hon. Baronet opposed it, and left the Government unassailed; but now, when it was passed into law, he brought forward his attack on the Government. He allowed the Government to finish their work, and when the work was concluded, he assailed the workmen, without attempting to guard against the mischievous effect of the work. The hon. Baronet would place the Government in the hands of the party opposed to that which now held it; he would place the exercise of those powers, which but a short time since he characterised as excessive and dangerous, in the hands of those whose accession to power he stated about four months back, opened a black and dark prospect to the country. He maintained, that that course was perfectly inconsistent; and he would recommend the hon. Baronet, if he meant to be the leader of a party, to improve his knowledge of Parliamentary strategy. It would lead him over a wide field of observation, and one into which it would be unnecessary for him to enter, to attempt to refute charges that had refuted themselves. He had told the House that the Ministers considered this motion as having for its evident object the removal of Government, and that they would not accept it as a motion levelled against Lord Glenelg himself. He should not meet it by any indirect defence; he should not meet it by moving previous questions; he should meet the motion with a plain and simple negative, as a motion unequivocally calling on the House to declare that they had no confidence in her Majesty's present Government. He begged the House to view this motion in its true and proper light. Whatever the decision of the House might be, let it be made upon its real grounds, and let the House not be carried away by any false impressions which the hon. Baronet had endeavoured to create. That motion was directed against the whole Ministry, though it might be said, it was only meant against the individual; that individual had been selected as a victim for an unjust and unfounded attack, and the body to which he belonged could not be allowed to remain after their Colleague had fallen under the unmerited and undeserved censure of that House. He begged to conclude by stating, that it was his intention to vote against the motion. The hon. Baronet wished the House to come to a direct vote. He did not wish to avoid that, and should not have recourse to any of those Parliamentary means which the hon. Baronet seemed to expect he would resort to—he should simply and plainly say "no" to the hon. Member's address.

Mr. *Hall* was anxious to take that early opportunity of stating the reasons on which he should ground his vote on the present occasion. In reference to what had fallen from the noble Lord who had just sat down, he considered it right for his own justification to state, that he did not agree in many respects with the Government in the administration of colonial affairs, and he certainly could not agree with the noble Lord that their conduct towards Canada was in any degree the brightest gem in their colonial policy. He condemned that policy, and disapproved of the course which Government had adopted towards that country. With respect to the question before the House, he could not help regretting that his hon. Friend had not taken the course which he generally adopted, of meeting every matter in the most open, manly, and straightforward manner. In levelling an attack against his noble Friend at the head of the Colonial Department the hon. Baronet had taken, if not an unjust, at least an ungenerous course. The noble Lord was merely a part of the present Government; his conduct was sanctioned by his colleagues, and, if censure was applicable to one, it equally applied to the whole of the Ministry; and the motion, instead of being directed against an individual, should have been framed so as to include all those who were parties to that policy which his hon. Friend desired to censure. In the annals of Parliament it was difficult to find any precedent for a motion like the present. The instance most similar was that of Mr. Fox in 1779, when that right hon. Gentleman introduced his motion against the conduct of Lord Sandwich. But then, again, how different was the situation of Mr. Fox to that of his hon. Friend. Mr. Fox was the leader of a great and influential party in that House; he was the chosen organ for the expression of their sentiments; he was the leader of a large minority directly opposed to the Government of the day; and, with all deference to his hon. Friend, he must say that he stood in a very different position from that which the hon. Baronet occupied, whose only support would come from his strongest political opponents. Mr. Fox, also, at the time he impugned the conduct of Lord Sandwich took special care that a similar motion should be brought forward in the House of Lords, when Lord Sandwich himself might answer the accusations brought against him; but had his hon. Friend taken care that such should be the case in the present instance? Had he found any individual peer, noble or learned Lord, or both, to bring forward this same question in the House of Lords? With regard to the motion before them, the noble Lord who had preceded him had entered at some length, into a defence of Lord Glenelg and the Government, but he (Mr. Hall) desired to confine himself to the consequences which would ensue if this motion were carried; and entertaining opinions upon many subjects in coincidence with those expressed by the hon. Baronet, he would ask his hon. Friend, supposing the motions were carried, did he think they would gain anything by placing in office those against whom they were most diametrically opposed. For his part he could not vote for the present motion; he could not agree in a proposition the natural consequence of which was to displace the present Government, in order to replace it with the Gentlemen sitting opposite. He could not think, that liberal opinions, such as he entertained were more likely to be carried out by the Tories than by the present Administration. Did his hon. Friend suppose, that if the name of Lord Melbourne were expunged from the list of her Majesty's Councils, that they should derive any advantage from that of the substitution of the noble Lord, the Member for North Lancashire, in his place? Did his hon. Friend think this would be a change for the better? And yet this would be the probable consequence of success attending the present motion. And with respect to Ireland, his hon. Friend would surely not maintain that the conduct of the noble Earl at the head of that Government had not been productive of the greatest blessings and the greatest satisfaction to its inhabitants, or had not been marked with the strictest justice and impartiality. He was not prepared to place the reins of power in the hands of Gentlemen opposite; he would not sanction by his vote the dominion of the Orange faction again in Ireland. And believing that Lord Mulgrave's administration was good, he would not support the return to power of that individual whom Lord Mulgrave succeeded, and one of whose first acts, was, to raise to the office of Privy Councillors, some of the most violent Orangemen in that country, and over whose head, when he appeared in public, orange flags had waved, in token of his devotion to the cause of which they are the acknowledged symbols. If he believed that this motion would have a contrary effect to that which he anticipated —if instead of bringing in a Tory Government it would produce one of a more liberal description, calculated to give fresh vigour to those liberal principles which his hon. Friend and himself entertained in common with each other—he would follow a very different course. But, believing, as he did, that the motion, if carried, would unquestionably have the effect he dreaded, he would not be guilty of such dangerous or such miserable double dealing, as to support a vote which would first bring the Tories into power, and then become a party to passing another vote that they were totally unworthy of the confidence of the country.

Viscount *Sandon* said, that the hon. Baronet, in the observations he had addressed to the House had certainly not taken the course that he had expected. He had expected that, considering the anxious attention lately attracted to our North American colonies, considering that that part alone of our colonial empire could justify the terms of the hon. Baronet's motion, the attention of the House would have been more particularly called to the policy which the Administration had adopted with respect to the affairs of those possessions. Instead of taking this course, however, the hon. Baronet had ranged in a vague, general, excursive way over the whole field of colonial policy. He thought his noble Friend (Lord Palmerston) had put the question on its proper basis. He perfectly agreed with his noble Friend that a motion of this kind ought not to be directed against an individual Member of the Government. He did not think that course very constitutional, he did not think it very convenient, above all things he did not think it very just; added to which, he confessed there were personal reasons which would have made it impossible for him to support the motion. He had long had the pleasure of an acquaintance with the noble Lord, and any one who had enjoyed that privilege must find it impossible for him to consent to heap on his name such a weight of censure. Any one acquainted with the distinguished talents, the high integrity, the admirable private life of the noble Lord, would, he repeated, feel it impossible to be a party to such a proceeding. But neither did he consider it right to direct a charge against any one Member of a Government, except on the ground of personal delinquency. There were cases in which maladministration might be imputed to the head of a department; but he had not heard that there was any part of the noble Lord's official conduct which could justify a personal charge. He differed very widely from that noble Lord in his views on colonial affairs, but he believed no faults could be imputed to him in which the whole Cabinet did not participate. The resolutions of last year could not be said to have been the work of Lord Glenelg; they were introduced into Parliament by the noble Lord the Secretary for the Home Department. Such, he believed, were the views of that great Conservative party with whom he had the honour to act. But Government had asked the House to put a direct negative on the motion of the hon. Baronet; and they did not conceal that they intended, in asking for a direct negative, to claim the approbation of the House. Now, he must say, that this was a demand which he could not concede. He, and those who thought with him, were placed in such a position that they could not accept either of the alternatives offered to them, and yet were forced to express their opinion on the question. He had never been a party to any violent political movement, but he could not avoid expressing an opinion on a question which excited such universal attention, and which deeply concerned the interests of the constituents he had the honour to represent. He did not know any part of the empire so much interested in the maintenance of the connexion between this country and her North American colonies on a proper footing as the town of Liverpool. He found, on examination, that between a third and fourth part of the tonnage of the port of Liverpool, not employed in the coasting trade, was dependent on the trade with the North American colonies, and he had received many urgent requests from the chief merchants of the place, entreating him to do everything in his power to maintain the relations at present subsisting with those colonies. He had formed a decided and deliberate opinion on this question, which he believed to be in perfect accordance with that of his constituents; and he should not be doing his duty if he refused to express it freely and fearlessly. He should, therefore, state to the House the course he meant to pursue. Not being able to acquiesce in the address to the Crown moved by the hon. Member for Leeds, he should feel it to be his duty to move, by way of amendment, "That an humble Address be presented to her Majesty to express to her Majesty our deep regret that the tranquillity of her Majesty's provinces of Upper and Lower Canada should have been disturbed by the wicked and treasonable designs of a disaffected party in those provinces, by which many of the inhabitants have been seduced into open revolt against the authority of her Majesty. To assure her Majesty that we have observed with the utmost satisfaction the zeal and fidelity which have animated the loyal inhabitants of her Majesty's North American provinces, and that we cordially rejoice in the success which has attended the exertions of her Majesty's regular forces, combined with the voluntary services of her Majesty's faithful subjects. To assure her Majesty of our continued determination to aid her Majesty in every effort which she may be called upon to make for the suppression of revolt and the complete restoration of tranquillity, professing at the same time our desire to afford redress for every real grievance, and maturely to consider such permanent arrangements for the constitution and government of the province of Lower Canada as may best secure the rights and liberties and promote the interests of all classes of her Majesty's subjects in that province. Humbly to represent to her Majesty, that it appears to us, upon a consideration of the documents and correspondence relating to the North American provinces which her Majesty has been graciously pleased to communicate to this House, that the open defiance of her Majesty's lawful authority in the provinces of Upper and Lower Canada, and the necessity of suppressing rebellion by force of arms, and of suspending the constitutional government of Lower Canada, are in a great degree attributable to the want of foresight and energy on the part of her Majesty's confidential servants, and to the ambiguous, dilatory, and irresolute course which they have pursued in respect to the affairs of Canada since their appointment to office." He hoped hon. Gentlemen on the other side would admit that this was a full, fair, and open expression of opinion—that they would see that the course he proposed to take was in accordance with the course taken by those with whom he had the honour to act throughout all the late transactions, and that it was also perfectly in accordance with the language held by them when the resolutions brought forward last year by the noble Lord opposite, were under discussion. If he recollected right, it was the general impression on his side of the House, that the resolutions did not go far enough; the general opinion was, if he recollected right, that, in dealing with Canadian politics, it would be better to settle the question at once. The case he had to make out did not lead him so far back as the hon. Baronet had gone, or to those anterior circumstances to which the hon. Baronet had alluded. [*Cheers.*] He knew what those cheers meant; he knew that they meant to insinuate, that the disorders of Canada had not commenced at the present day. He agreed with those who thought, that the seeds of the differences had been sown earlier, and that there were abuses and maladministrations under former Governments. But the question was, whether the present state of affairs was attributable to the present Administration or not. Was there not a period when there was an opportunity of settling those affairs, which, by irresolute and dilatory conduct, the Ministers had allowed to escape? What had been the result of the Report of the Committee of 1828? Was it a measure which had been received by the Assembly in Lower Canada with approbation? Was it treated by them as an imperishable monument of human wisdom? The question was, whether, since the present Administration came into office, they had not had an opportunity of healing the differences in Canada, and settling its affairs, and had not allowed that opportunity to escape? In 1831, the Administration in which Lord Goderich was at the head of the Colonial Department, in a spirit of overweening confidence, gave up at once the command over the revenue which was possessed under the act of 1774, in the hope that the result of that sacrifice would be an establishment for the civil government. In that expectation he had been entirely disappointed. The question which was to be resolved at the time when Lord Melbourne's Administration was formed was, in what way this act of generosity should be remedied—in what way the Government should resume the position it had abandoned and put itself in a position to enforce those arrangements, on the part of the Assembly, by which the civil and judicial establishment should be secured. The noble Lord, the Member for North Lancashire, (Lord Stanley) when he succeeded to the office of Colonial Secretary, had adopted the simple course of suspending, for a limited period, the act of 1774, and referring the matter to a Committee; but, before that Committee could make a Report, the right hon. Gentleman, the present Chancellor of the Exchequer, succeeded the noble Lord in the office of Colonial Secretary, and from that moment the vigorous course was abandoned. He did not say, that there was anything in the intercourse between the right hon. Gentleman and Mr. Roebuck which wanted precision; but he did think, that there was not that clearness in his intercourse with the Canadian deputation, which prevented misapprehension and disappointment. The right hon. Gentleman had told the House, that, on his going out of office, he had a plan for settling the whole Canadian question—that, on his walking out of Downing-street, he carried in his pocket a scheme for settling the whole question. But, a few months after, he was in office again, and Canadian affairs continued still the same. In the interval, the Administration of the right hon. Baronet, the Member for Tamworth, had proposed to send out a noble Lord, distinguished for his conciliatory demeanour, and the respectability of his private life, to examine and decide upon the spot. What was the consequence as soon as Lord Melbourne's Government came in? Instead of one Commissioner, three Commissioners were appointed, and instead of a couple of months, they had occupied two or three years; and what had been the result after all? The lame conclusion they came to, after two years, was, that it was necessary to recover the revenue which, in a fit of generosity, we had given up. All of them agreed in this one point, that the first thing to be done was to recover possession of those revenues—the alternative was, the suspension of the constitution. One of the Commissioners, who had at first entertained some doubt on this subject—even that Commissioner in the last Report had shown, that the doubt which had hung over his mind had been completely removed, and he concurred with the rest, that there was no other course but to recover the revenues. What had been the result of the inquiry? Did the Government adopt the recommendation of the Commissioners? No: they confined their measure to the giving up the arrears to April last; the other questions were left as before, with other difficulties superadded. And what had been the result? Had it not been exactly what was to be expected? One thing had struck him as peculiarly denoting that dilatoriness, irresolution, and ambiguity, which were adverted to in the address he had the honour to move. A point which was most requisite, in order to make an impression on the mind of the colonists, when we were about to resume the revenue, was the improvement of the executive and legislative councils; and that measure, which ought to have been hurried forward, that very measure had been postponed from time to time. From the papers which had been laid on the Table, there were passages which bore strongly on this point. It seemed that Lord Gosford was sensible of the way in which he had been crippled by the orders of Lord Glenelg to call the attention of the Assembly as early as possible, to the regulations of the House; and would it not be supposed, that this order would have been accompanied with a settlement of a point in which the feelings of the Assembly had been so much involved? But what was the fact? The order to call the Assembly was dated early in May, and it was not till the end of July that the question of the councils was discussed. On the 8th of September, 1837, there was a despatch from Lord Gosford, giving an account of the first meeting of the House of Assembly, in which he says, "It is a matter of great regret to me, that I could not, at an earlier period, have given a practical proof of my political views, and by acts to show my determination to redress certain grievances which evidently called for it: however, it is too late now to talk of this." That was a confession from Lord Gosford of the inconvenience he had felt for want of the instructions of her Majesty's Government. If the House wanted a further proof, it was contained in this passage: "I was obliged to share with others in submitting to circumstances over which there was no control." There was not only the evidence of the Governor himself as to the manner in which he felt himself crippled with respect to the House of Assembly; but there was additional evidence to be found in the address of the House of Assembly, implying that, if there had been a real reform of the two Councils, they would have abandoned at least some of the questions. They said, in their address of August 25, "We have learned with fresh regret, from your Excellency's speech, that no such reform has been effected, or will be so at any near and determinate period, notwithstanding the so-often-repeated pledges of the Government. Your Excellency has been pleased to allude distantly to the improvement of the composition of the Legislative and Executive Councils of this province. With regard to the Executive Council, we shall here forbear any painful reflections on the unmodified existence of that body, after it had been so solemnly repudiated by your Excellency in the name of the Crown. We should have hoped that, as a pledge of the sincerity of the Government, the Legislative Council would have been so remodelled as to enable us to ascertain up to what point it had been rendered capable of legislating conformably with the wishes and wants of the people, and to act according to the conclusion to which we might have come on this important subject. The reforms which your Excellency announces as having been delayed will, nevertheless, if effected in a spirit of justice and harmony, become a powerful motive with us for examining whether the Legislative Council, in its present form of constitution, could even for a time co-operate with us in a system of legislation conformable to the interests of the people, and of thereby ascertaining whether it shall have been so remodelled as to induce us to manifest confidence in her Majesty's Government." Now surely it would have been important to have kept up these good feelings in the House of Assembly, and to have said "True, we are compelled, from the necessity of the case, to assume the funds which were at your disposal; but we give you, at the same time, a pledge to redress your grievances." But instead of this, the redress of grievances was postponed till a distant future, and not redressed when the rebellion took place. This was one of the strongest evidences of the dilatory and ambiguous conduct of her Majesty's Government. It was also remarkable, that there was a considerable minority in the Assembly, and if there had been a prospect that the promise would be carried into effect, the Assembly would probably have granted the supplies, and the minority would have become a majority. There was another point on which he felt very strongly—he alluded to the insufficiency of troops. Here it might be said, "Your great leader (the Duke of Wellington) has told you there were enough." Had the noble Duke said so? He thought that the noble Duke's opinion had been confined to a military opinion as to the sufficiency of troops to retain possession of the province; but the question was entirely different whether there were troops enough to prevent rebellion. He hoped that the policy of the Government had not been like that of Sir Francis Head—to invite rebellion. Would it not have been better, when the Government were about to propose a course of proceeding likely to lead to irritation and insurrection, to have had such a force in Canada as would have rendered such an insurrection hopeless. Such a course, instead of that of Sir F. Head, would have been more consistent with the duty of the home Government. And what had been the opinion of Lord Gosford himself, on that subject? The noble Lord, on the 10th of June, had admitted that the steps which had been taken would not be dictated by the apprehension of any great commotion, for he had every reason to believe that the mass of the Canadians were loyal and contented; but he added, that a larger force was necessary, not for the purpose, it was true, of suppressing commotion or insurrection, but to deter the ill-disposed, to secure the good feeling of the wavering, and to give confidence to the loyal portion of the people. Could it have been right, then, for the Governor, under the advice of the home Government, to have sat looking tamely on at passing events with folded arms—nay, with scarcely a single picket to announce the approach of the enemy, and then for the Ministry at home to find in subsequent results a justification of their conduct? And in what way had they suppressed the rebellion and the insurrection? Why, not by troops accustomed and disciplined to service, and who could have no feeling but that of duty to their Sovereign, but for want of such troops, it had been necessary to appeal to volunteers; and thus that which had first been insurrection, was converted into something of the character of a civil war. It had necessarily excited the passions of the injured British Canadian population when called upon to suppress the insurrection raised by the French portion of the colonists; and it could not be questioned that all the irregularities which had been committed, and all the disorders which had taken place, had arisen from the employment of volunteers, and, by these means, the setting up one class of citizens against another class of citizens. All those evils were to be attributed to the neglect of her Majesty's Ministers, who had left no other alternative for the adoption of the executive Government of the colony, save and except the use and application of the volunteer force. It was remarkable that the opinions which he (Lord Sandon) was now endeavouring to express were entertained in the very scene of the insurrection. If regard was had to the province of Lower Canada, it would be found from the expressions used by the Earl of Gosford that there an impression had been created, and certainly not without cause, that her Majesty's Government were not disposed to pursue a very resolute or determined course. That this impression prevailed in the minds of some portion of the Canadian people was manifest from the words used by Lord Gosford on the 11th of July, 1836. His words were these:—"No one can regret these measures more than myself, but a few examples appear to be necessary, and will, I believe, have a very salutary effect, especially as it has been part of the policy of the ill-disposed to create an impression that the Government is unwilling or unable to act, and that it may be set at defiance with impunity." Now, he defied any set or body of men to have created that impression unless the policy of the Government had given some fair grounds for it. Then, again, with respect to Upper Canada, it would appear from the dispatch of Sir F. Head of the 21st of April, 1836, that a similar expression prevailed in that province. In that despatch Sir F. Head used the remarkable expression—"If the whole country should be disposed to rse up in revolt, he saw no difficulty in the way of crushing that rebellious party, except the general impression and fear which prevailed that the home Government would be afraid to support him." Now, in what was that impression found? How did that fear arise? Had there been no wavering in this House by Government towards those who had allied themselves to the Canadian agitators, and had not events here tended to excite those fears and create those impressions? Why, Sir F. Head went on to say—"I tell your Lordship the truth—that the reception given in England to Mr. Mackenzie" (a man who had since proved a traitor) "has had the effect of cowing the loyal, and of giving confidence to the insurgents, "But," continued Sir F. Head, "if you knew the feelings of the country, you would be aware, and your Lordship must pardon me for telling you, that the republican party are incapable of understanding the generous policy of the Government there, and confidently look to the home Government for support." Now, it would seem that both the republican party in Canada and the republican party at home looked for support to the present advisers of her Majesty. Even on the present occasion he fully expected that some hon. Members who were opposed to the course of policy pursued by the Government with reference to Canada would agree to sanction the same course, would cling very closely to the Government on this occasion, and look in turn for the support of the Members of her Majesty's Ministry. Some of those hon. Gentlemen need feel no apprehension, that a past correspondence with traitors, that exultations and rejoicings in the defeat of British soldiery, would be at all likely, in case of a future election, to deprive them of that support of her Majesty's Government which had been so lately and so liberally bestowed. Nay, he dared to say that the hon. Member for Westminster (Mr. Leader) entertained no fear or apprehension if he stood again for the representation of Westminster that his course to-night would deprive him of the support of the Controller of her Majesty's Household, or that the noble Lord opposite, the Secretary for Foreign Affairs, would not again come forward to his aid. And it was clear that the democratic party in both countries were anxious to lend their support to and receive support in return from her Majesty's present advisers. There might be in the small knot of hon. Members now rallying round the hon. Member for Leeds, some of whom thought that the cases of Canada and Ireland were not identical, and others that the only difference between M. Papineau and Mr. O'Connell was, that the O was at the beginning of the name in the one case, and at the end on the other, but who still would desert the ranks of the hon. Baronet, the Member for Leeds, and the other leaders on the Canadian question, and would find themselves on this occasion supporting that very line of Canadian policy which for the last three or four years they had been so loud and zealous in deprecating. He was conscious how much the Canadian question had been exhausted, and therefore he did not intend to trespass much further upon the patience of the House, nor should he have done so, but that he and those with whom he acted had been compelled to take part in this debate. The right hon. the President of the Board of Control said that they were not compelled to do so. At least, he understood the right hon. Gentleman to say, that they on the Opposition was called upon to express an opinion one way or the other. He was therefore called upon either to condemn singly or solely Lord Glenelg, which he was not singly and solely prepared to do, or to go with the noble Lord, the Secretary for Foreign Affairs, in sanctioning that which he fairly and candidly would state he could not. He and those with whom he had the honour to act had not solicited this question and discussion. They had made no arrangement with the hon. Baronet, the Member for Leeds. That hon. Baronet had brought forward the question, and upon it the House was called on to express an opinion; and he (Lord Sandon), as an honest and honourable man, came forward, without fear or favour, to give expression to the opinion which he had formed. To the question he admitted that he should not have been the man to call the attention of the House. The question had been forced upon them. His noble Friend opposite (Lord Palmerston) had jocularly expressed an apprehension that there might be a coalition Government formed between the hon. Baronet, the Member for Leeds, and the right hon. Baronet, the Member for Tamworth, and had talked of the sacrifice of opinion which necessarily must be made by the parties forming such a Government. He did not think his noble Friend opposite was exactly the individual to make that observation. He (Lord Sandon) had been told that there had been an avowal by the Government of as wide difference of opinion between the members of the Government on many leading questions as possibly could exist between the hon. Member for Leeds and the right hon. Baronet, the Member for Tamworth. He understood the noble Lord opposite to be a friend and supporter of the Established Church, while a great and important portion of the Ministry to which he belonged were opposed to it, and considered it a nuisance; in short, upon many questions there was as great a difference of opinion amongst the members of the Government themselves as between the Government and a great proportion of their supporters. He, therefore, did not think that his noble Friend opposite was the person to treat with ridicule such a coalition Government as that which he had suggested. Now, he (Lord Sandon) particularly distrusted such unions, and should regret being compelled to embark in the same boat with gentlemen whose political sentiments he held to be dangerous to the country. The present Government, however, seemed to entertain no such scruples or objections. Having thus discharged, he feared imperfectly, his duty, having supported the charges—not of impeachment—he had made against her Majesty's Government, he should conclude by moving as an amendment upon the motion of the hon. Baronet, the Member for Leeds, the address which he had already read to the House.

The Speaker having put the amendment,

Mr. *Labouchere* said, that as the veil of mystery which had lately hung over the designs of hon. Gentlemen opposite had now been, by the amendment of the noble Lord who had just sat down, drawn aside, and as it was apparent that the great and powerful party arrayed on the benches opposite were ready to bring to issue the question, whether or not, with reference to the colonial and other affairs of this great empire, it was desirable, for the interests of the country, that the present Government should be removed from the seat of power—as that was now manifestly the subject of the debate of this night, he trusted, that the sense of justice which in any time of party excitement had ever distinguished the House, would induce it to lend a patient hearing even to one of the humblest Members of that Administration. He (Mr. Labouchere) had not the honour to hold that station in the councils of her Majesty which could entitle him to lay claim to any share of the responsibility of the colonial policy, but so far as giving his cordial approbation to that policy in all its main features—so far as he was able to take his share in that responsibility, he felt, in honour and conscience bound, to do so on the present occasion. He said all its main features, because he took it for granted this discussion would not be confined to mere petty cavils upon slight and immaterial points; on the contrary, he took it for granted the great question was, whether, in the entire course of colonial affairs, which it had been the misfortune, but not the fault, of the present Government to meet, they had acted in a manner to compel the House to continue the confidence which it had reposed in them, or such as to make it the duty of the House to take steps for the removal of the Government from power. His noble Friend who had just sat down, speaking for the great party of which the noble Lord was an ornament, had said that he proposed the amendment very reluctantly and under compulsion. He credited that assurance of his noble Friend, and believed, that he and the hon. Members near him came forward on this occasion most unwillingly and under strong coercion. [" *No, no!*"] He was greatly mistaken if that coercion and compulsion came, not from his Friend, but from those behind his noble Friend, and that the pressure had been so great and urgent that it was impossible to refuse. He did not blame the leaders of the party opposite, nor those who urged them forward, for it was very natural, that at a time when parties in this House were so equally balanced—when hon. Gentlemen opposite were pluming themselves upon the results of certain recent victories—it was quite natural for them to spur on their leaders, and for his own part, uncertain though he might be as to whether the Government was to stand or fall, but, speaking merely as a Member of the House of Commons, he heartily rejoiced, that the question had been fairly brought forward in a manner which showed, that hon. Gentlemen opposite were ready and willing to take the conduct of affairs; and being so fairly brought forward, he was sure the Government to which he belonged would readily bow to any decision upon it to which the House might come. If the question had been other than this, he would not have troubled the House with any observations, but as the attack was made upon the matter of the affairs of Canada, and conceiving, as he did, that the greatest injustice was thereby done to the Government generally, and particularly to Lord Glenelg, who deserved high credit for his management of those affairs, he was induced to offer himself to the attention of the House for a few moments. He was satisfied, that anything he should say with reference to the noble Lord, the Member for Liverpool, that noble Lord would not suppose to be a personal attack upon him; but he owned he felt surprised, that the attack should have come from his noble Friend. He had acted with his noble Friend on the subject of Canadian politics, and he had hoped and believed, that his noble Friend entertained much the same opinions on that subject as himself, and certainly it was with astonishment he now saw his noble Friend come forward to pronounce a sweeping censure not only upon Lord Glenelg, but upon the whole Government. With respect to the motion of the hon. Baronet, the Member for Leeds, he was not surprised that it should have been made, though he was very much surprised at the time at which it was brought forward. But in what position was the House placed? It had already voted an Address in many respects similar to that now proposed by his noble Friend opposite; the only difference was, that tacked to the present Address was a vote of censure upon the Government. Now, he could not help asking the question why at the time the House had voted for and carried an Address to the foot of the Throne, when all the documents which now furnished the ammunition for the present attack were on the table—why, if hon. Gentlemen opposite really believed the conduct of the Government was so culpable as they now contended, they did not then express their want of confidence in the present Administration? He could not help suspecting, that there was this difference between that and the present occasion—that was a period of considerable alarm. There were then very threatening clouds in the horizon, and that man must have been clear-sighted indeed who could have ventured to predict that the storm would not burst and bring desolation upon the country. He must say, that it was not a very worthy or courageous part to be performed by those who had shrunk from the responsibility which at that time they would have incurred in assuming the reins of Government, now that the storm was dispersed and the waves were stilled, to declare, that they were not unwilling to commit themselves to that calmer sea on which, when darkness and tempest brooded over its waters, they hesitated to embark. But when he came to examine into the causes which had produced that unfortunate state of things which had prevailed in Canada, he considered, that it would be necessary to look back a little before the House came to a decision on the subject. On former occasions, when Canadian affairs had been brought under discussion in that House, he had not been very eager to express his opinions as to the origin of the troubles which agitated those colonies, although he felt, that blame was attributable in many quarters. He had considered it better *motos componere fluctus*. The thing was to restore calm and tranquillity. He did not, although he believed many faults had been committed by parties on both sides—some, he admitted, by his own friends—he did not think, that since 1828 there had been any lack of a disposition on the part of the Government at home to do substantial justice to the Canadas. They undoubtedly meant well towards that country, and that being the case, he considered, that it would be useless to engage hon. Gentlemen in criminating and accusing each other, when both parties were not altogether free from blame. But when he took a wider view of the political horizon, and inquired to what cause was mainly owing the present unfortunate state of affairs in Canada, he felt himself obliged to go back a few years, and in making that retrospect he could assure the House, that he would be as brief as possible. The year 1828 was generally the period from which hon. Gentlemen took their survey of the condition of the Canadas. It was in fact their starting point, because the Canada Committee was then appointed. But if the House would look to what really caused the troubles which had disturbed that colony, let them not dismiss the history of the previous period in so summary a manner. To that point he would advert, and in doing so he addressed himself particularly to the right hon. Baronet, the Member for Tamworth. That right hon. Gentleman was a Member of the Cabinet which existed many years previous to 1828. During that time measures of the greatest importance, and which had produced the most lasting and the most fatal results in the colony, had been carried into effect with regard to the Canadas by that Administration. He was sure that there was no Member of the Committee which sat in 1828 to inquire into the grievances of the Canadians who could possibly acquit that Administration of being deeply and morally responsible for the state of feeling with which the Canadians regarded this country. It had given him great satisfaction to hear the right hon. Baronet express the liberal opinions with respect to our colonial policy, which had fallen from him in the course of the recent debates on this subject; but he must beg leave to tell that right hon. Gentleman, that those liberal professions presented the greatest possible contrast to his conduct as a Minister, when the Tory party was in the full possession of power. He was not going to enter upon a detailed examination of the objectionable measures which the Administration of which the right hon. Gentleman was a Member had carried out with respect to Canada. The House had heard a good deal of discussion lately with regard to the appropriation of the revenues of the colony by the Governor on the behalf of the Crown. Why, when the right hon. Baronet was in office that was done every year. These acts were frequently condemned by the Committee of 1828. He had heard them frequently condemned in that House; he had never heard them defended by any one. He would not pursue the subject further, but he thought it but right to allude to those acts, as the Government was now put upon its trial by the very men who had caused the troubles for which the present Administration was made responsible. As his noble Friend (Lord Sandon) had thought fit to bring forward a general accusation against the conduct pursued by the Government with regard to Canada, he expected, that he should have heard from him a clear and unambiguous statement of the course of policy which he and his friends would adopt if they returned to the Government. He had heard, indeed, one intimation with some surprise from his noble Friend. His noble Friend had said, that the Bill which was brought in by the noble Lord, the Member for North Lancashire, in 1834, was abandoned by the Government when that noble Lord quitted office, and his noble Friend had attributed to that circumstance the evils which had since arisen in Canada. He had heard that opinion expressed by his noble Friend with the greatest surprise, because, as he believed, his noble Friend was a Member of the Committee which was sitting upon Canadian affairs when that Bill was introduced, and upon the Report of which it was not proceeded with. At any rate, as far as he recollected, and if he were wrong his noble Friend would set him right, his noble Friend never intimated the slightest opinion that that Bill ought to be proceeded with. Another reason why his surprise had been excited was, that his noble Friend had accused the present Government of procrastinating and dilatory proceedings. Why surely his noble Friend had not forgotten the period when Sir George Murray was Colonial Minister. Sir George Murray was undoubtedly possessed of many valuable qualities, which distinguished his career as a public servant, but a more dilatory and procrastinating Minister it had never been his fortune to see. He was the Colonial Minister in 1828, when the Canadians looked with hope towards this country, and when their feelings were warm and grateful. That was the time to strike; and yet Sir G. Murray being then Colonial Minister, more than two years were suffered to elapse, and no settlement had been made of the disputed question of the revenues in Canada, at the time when he retired from office. He, during that period, had felt it to be his duty to bring forward a resolution on the subject, asking the House to do that which he was afraid the Colonial Minister would not carry into effect. And who had supported that resolution—nay, who had seconded his motion? Why, his noble Friend, the Member for Liverpool. And yet his noble Friend allowed himself to be put forward to-night, to brand the Government to which he was now opposed, as having been, by their procrastination and delay, the cause of those evils which, up to a recent period at least, had disturbed the province of Lower Canada. His noble Friend had no doubt diligently looked into the blue books which had been laid upon the table, but he had as little doubt that his noble Friend was equally diligent when Sir G. Murray's conduct was the subject of investigation. Sir James Kempt, than whom no better governor ever administered the affairs of the colony, and to whom so much was due for the manner in which he had conciliated the good will of the Canadians, complained in the most emphatic language of the delay at the Colonial-office, when Sir G. Murray was at its head, in sending out instructions. So long was the delay, that when the instructions which Sir George Murray had written for were sent out to him, he was obliged to throw them into the fire, and write back to Sir G. Murray, that if he had acted upon them, he should have thrown the whole colony into confusion. He might go on much longer in giving what he thought were good reasons to show the House, that whatever embarrassment and difficulty might be found in the present posture of Canadian affairs, it was not to be attributed solely and exclusively to the unfortunate Government against which the present attack was directed. But he did hold the question for the House to be, whether the general principles of policy pursued by the present Government, as well as the principles on which their administration of our colonial affairs had been conducted; were of that description and character, that it was desirable for the country that they should retain the seats which they now held, or whether the hon. Gentlemen opposite should cross the House and occupy them. He might be supposed to have some bias in deciding that question, and he thought it would be more graceful in him, holding, as he did, even the humble situation which he now filled, to leave it for the House to determine. Upon that question the present Government would depend; and he should only express his earnest wish that the decision which the House might feel called upon to pronounce, might be such as would be best calculated to promote the real and permanent interests of this country.

Lord *Stanley* said, that he had risen earlier in the course of this debate than otherwise he should have been desirous of doing, in consequence of some observations which had fallen from his right hon. Friend opposite (Mr. Labouchere), and which more immediately pointed at measures which he, in his public capacity, had introduced. He felt, therefore, that this was an opportunity which he ought not to pass by, of setting his right hon. Friend right. But, in the first place, he would take the opportunity of observing upon the remark made by his right hon. Friend, that at length the veil of mystery which had so long shrouded the operations of hon. Gentlemen on the opposition side of the House had been cast aside, that at length the course of policy which they had determined to follow had been exposed to view, and that having previously concealed in the most scrupulous manner every indication of their intentions, they had at length explained their objects, and developed their designs. His right hon. Friend seemed to charge Members on the opposition side of the House, with a project for taking the Government by surprise in introducing the amendment which his noble Friend had proposed. [" *No, no.*"] Why, then, if there was no complaint of surprise, was the word "mystery" employed? Mystery implied a concealment, and a wilful concealment, of intentions; and, really, if they called this mystery, he did not think that it was his side of the House against which such a charge should be exclusively directed. But what were the facts of the case? The hon. Baronet the Member for Leeds, unconnected with that side of the House, without any communication so far as he knew, with any Member who sat on the benches of the opposition, certainly with no concert, direct or indirect, with him or any of those Gentlemen with whom he usually communicated on political matters, gave notice of his intention to bring before the House a question involving the character of the policy pursued by the Government; and to give the notice more solemnity, he stated that he should move a call of the House. The hon. Baronet, in making that statement, had intimated that it was the object of his motion to call for the opinion of the House on that part of the Government policy especially—namely, that pursued towards our colonies, which was called in question by the amendment; and although it might be a delicate and dangerous task, if the hon. Baronet's motion stood by itself, to choose the side to be taken upon a division, yet he could feel no hesitation in giving his support to the amendment of his noble Friend, and he must remark, that the course which Gentlemen upon his side of the House had taken must, from the very nature of the case, depend upon the course taken by the Government themselves. It was very possible, and it was certainly open to the Government, to have moved a counter resolution; and looking at the tone of triumph already assumed by his noble Friend the Secretary for Foreign Affairs—nay, looking at his declaration, that the administration of the affairs of Canada, the results of which had been insurrection and bloodshed, was the brightest gem which the system of policy adopted by the Government could boast—looking, also, at the hearty rejoicings expressed by his right hon. Friend (Mr. Labouchere) that the question was now fairly brought to issue, that question being, as it had been put by his noble Friend and his right hon. Friend afterwards, whether, in truth, the Government which now filled the situations of the responsible advisers of the Crown enjoyed in an equal degree, the confidence of the

House and the country,—looking at this, he must say, that the Government would have taken a bolder and more straightforward course, if they had moved a resolution declaring that they did enjoy that confidence. But, at all events, he had a right to assume this. He was entitled to suppose that the Government, having openly rejoiced that this question was now brought forward, never could think of avoiding a division on the proposition, that the words of the motion made by the hon. Baronet, the Member for Leeds, stand part of the question. He concluded that her Majesty's Ministers would say, "The motion of the hon. Baronet, the Member for Leeds, is liable to technical and constitutional objections. We feel that there are objections to singling out an individual member of the Government as responsible for the policy adopted in Canada. We are all responsible for that policy. We declare that policy to be the brightest gem of our administration. We desire nothing so much as that the approbation of the country, with respect to that policy, should be declared," and then having determined that the words proposed in the motion of the hon. Member for Leeds should not stand part of the question, he concluded that they would joyfully go forth to meet the amendment of his noble Friend. The motion of his noble Friend was a motion of censure on the whole Government. That amendment did not extend over so large a geographical space as the motion of the hon. Baronet, although it related to no inconsiderable portion of our colonial empire, but referring to arguments and to facts, it laid down broadly and fully the principles which they on that side of the House entertained with reference to our colonial policy, and which they were prepared to follow up. And, forced as they were to come to this discussion, they invited the Government to enter upon, and expected they would not shrink from it. But it had been said that this was a strange time to entertain such a question. It had been stated, that Gentlemen on the Opposition side of the House had been afraid, in times of difficulty, to assume the government of the country; but now, in these quiet and easy times, when the storm had blown over, when all was peace, tranquillity, and revived loyalty—when all was harmony and good-will in Canada—now, it was said, they came forward with a motion to unseat the Government. Why, the very ground on which his right hon. Friend had taken up his position was the forbearance of the Opposition. At a time when it was doubtful whether rebellion would not immediately succeed—when treason was more likely to prosper than any British subject could have desired—at a time when the conduct of her Majesty's Government had rendered it extremely doubtful whether the efforts of men of all parties would be successful in the attempt to preserve the Canadas to the British Crown at such a crisis, there was no place for a question of party. They all felt that her Majesty's Government had invited them to join in an address to the Crown, expressive of loyalty and support, and they felt whatever was the responsibility which they might have incurred by their conduct with regard to Canada, that was not the time to embarrass, by any differences, the service of her Majesty; and that they ought then to have but one object—that of convincing the people of Canada that rebellion would never experience from any party in this country, by any fortuitous combination of circumstances, the slightest degree of support. His right hon. Friend had remarked, that now perfect tranquillity and restored attachment prevailed, the Members who sat on the Opposition side of the House had attacked the present Government; but supposing these troubles to be at an end, the fact left him, and those with whom he acted, free, and at liberty to express their opinion with regard to the course of policy which had led to the disasters by which the colony had been afflicted. But let him (Lord Stanley) observe, that if indeed harmony and good feeling were fully restored—if there were nothing to apprehend for the future—if peace were completely secured, and a perfect understanding established between the mother country and Canada, it was truly a strange time, not for bringing forward this motion, but for rigorously pressing forward a measure for the suppression of the constitution of Lower Canada. Why, if harmony and good feeling were restored, where, he would ask, was the plea for suspending that constitution? Why invade the constitution of Canada, if they could repose any trust in the legislature of that country? His noble Friend, in fact, must know full well, that the state of affairs in Canada was very different from that which was here described, and that the Government which would succeed him, in the event of his retiring voluntarily from office at the present moment, or being driven from office by a vote of that House, would have no easy task to perform to remedy the evils which had flowed from the misgovernment of the last few years. But his right hon. Friend who last addressed the House, before alluding to the proceedings of the Committee which sat in 1828, went back to a still earlier period, and entered, not into a discussion of the points at issue, but into a condemnation of the conduct of previous administrations. It was not for him to defend the conduct of any administration which had the charge of colonial affairs previously to the year 1828. He had heard something from his noble Friend, the Secretary for Foreign Affairs, that night, as to the "inconsistency of persons joining with those who entertained different political opinions." He had heard from his noble Friend a supposition, which undoubtedly did the utmost credit to his noble Friend's ingenuity, for it never could have entered the brain of any other but himself; he had heard his noble Friend allude to a supposed intention of forming a Government by the union of the hon. Baronet opposite (Sir W. Molesworth) with his right hon. Friend near him (Sir R. Peel). He knew not whether his noble Friend had any intention of forming a part of that Government. But if his noble Friend did not entertain such an intention, he trusted he might remind his noble Friend that for a longer period than his memory could go back, it would be the only administration of which his noble Friend had not formed a part. It was not for him to vindicate the course of colonial policy which had been pursued by any administration previously to the year 1828. He would agree in opinion with his right hon. Friend opposite, that up to that period—nay, he might be of opinion that since that period, very great abuses had prevailed in the colonial system of Government. But he was undoubtedly surprised to hear his right hon. Friend bring against his noble Friend, the Member for Liverpool, a charge of inconsistency, because he was the person to accuse the present Governmenf of dilatory, ambiguous, and undecided conduct, and had also been the person who had charged Sir George Murray with similar conduct. In his estimation, if ever there was a testimony given to the consistency of his noble Friend, it was that very statement of his right hon. Friend opposite, that whatever administration was in power, his noble Friend had ever been found to be the consistent advocate of constitutional reform in Canada, and the consistent impugner of every man in office whom he could charge with ambiguous policy, or accuse of interposing unnecessary delays. His right hon. Friend had not correctly stated the object of his noble Friend's motion, when he said that his noble Friend imputed to the Government all the inconveniences and vexations of the commotions which had arisen in Canada. Now his noble Friend, and the party with whom he acted, imputed no such thing. But they imputed to the Ministers, though they had not originally sought to prefer the charge, but were driven to it, for they were called on now to state their opinions—called on in a manner which rendered it impossible for them to avoid an explicit declaration of those opinions, instead of discussing the colonial policy of the present Government generally, to discuss the Colonial Secretary's Canadian policy specifically, and while they could not accede to the motion which was made by the hon. Baronet opposite, on the one hand, they could not, on the other, accede to the meed of approbation which would be implied by their giving to that motion a direct negative; they were imperatively called on then to state their opinion of the colonial policy pursued by her Majesty's Government, and that opinion they therefore frankly and unhesitatingly declared; and they did impute to their want of foresight, to their ambiguity, vacillation, and irresolution, in a great degree, the unhappy revolt which had broken out in Canada. They further said, that more firmness, energy, decision, a plainer and more candid statement of what they were disposed to grant and what to withhold, the simple and obvious plan of acting on their own mind and judgment, instead of suffering themselves to be driven backwards and forwards by every wind and shift of wind, would have rescued them from disreputable subservience to a small and comparatively insignificant party, and succeeded in earning for them the respect of all thinking men for prudence and firmness, while it would not have rendered less effective their attempts at reconciliation. His right hon. Friend was mistaken when he affirmed that the bill of 1834, which he had had the honour to introduce with the full consent of Lord Grey's Cabinet, had any reference to the Committee which sat during that year on Canadian affairs. When a motion was made by an hon. Gentleman not now in the House for inquiring into the state of the two Canadian provinces, he moved that the inquiry should be limited to Lower Canada, the province of Upper Canada not having then presented any necessity for such investigation; and when he having carried that limitation, moved for the appointment of that Committee, he stated distinctly that its appointment had no reference to the bill which he intended to produce. Upon the same night on which he had moved for the appointment of the Committee, he also moved for leave to bring in the bill. That bill, however, he had never brought in. [An observation was here made by an hon. Member on the Treasury bench.] It was very possible that his (Lord Stanley's) recollection might be mistaken upon the subject of his having moved on the same night for leave to bring in the bill, but this he distinctly recollected, that in moving that night for the appointment of the Committee, he stated it to be the intention of the Government, upon their own responsibility, and without reference to the proceedings before this Committee, to introduce this Bill, the intention and ultimate object of which he then distinctly stated. In the Committee several Gentlemen who were not so well acquainted with the facts of the case as his Majesty's Government imagined themselves to be, requested that the Government would not proceed with the bill until the evidence should have been fully laid before the Committee. To that request, backed by his noble Friend and the right hon. Gentleman opposite, he at once acceded, with the distinct understanding, however, that if he should remain in office, the bill should be proceeded with. Before that Committee ceased to sit, from causes totally unconnected with Canadian affairs, he ceased to hold the seals of the colonial office; and his right hon. Friend who succeeded him, asked of him, with great courtesy, whether he should have any personal objection to the evidence which had been given before the Committee not being laid before Parliament? He stated, in reply, that he had no objection whatever, provided the object which he proposed to himself were effected—that the main end for which that Committee was appointed, was obtained upon the evidence being collected. His object was to vindicate the Government with which he had been connected; but with regard to the Government which succeeded him deferring a bill, or declining to print evidence, as he was no longer connected with colonial affairs, it was a matter personally to him of perfect indifference. From that period, he dated the commencement of that irresolution and ambiguity with which the present Government was chargeable in their administration of the affairs of these colonies. He trusted that his right hon. Friend, the Chancellor of the Exchequer, would excuse him, if he adverted to a communication which immediately after that period passed between his right hon. Friend and Mr. Roebuck. He did not charge his right hon. Friend with intentionally misleading Mr. Roebuck. He did not make any charge against him, for having, after that communication, had recourse to the expedient which he adopted of borrowing money from the British Treasury on the faith of a subsequent repayment out of the colonial chest. He made a wide distinction in opposition to the view which Mr. Roebuck had taken of this transaction between the case as it had really occurred, and the case of taking the money out of the colonial chest in the first instance. But he would say this, that he felt perfectly convinced the language held by his right hon. Friend in this interview with Mr. Roebuck was not of such a nature as to put that gentleman, acting, as he was, upon the part of the Colonial Assembly, in full possession of the intentions entertained by her Majesty's Government. He believed that that interview was of a personal and merely verbal nature. No authentic communication had, he believed, been made of what had passed upon that occasion; no communication whatever, but that which was published, probably by one of the parties who attended Mr. Roebuck, and appeared on the part of the provincial legislature. It appeared, however, to have been evidently implied, by what transpired during that interview, that there was to be a very wide and manifest difference between his right hon. Friend's official conduct and that which he had pursued. His right hon. Friend assured Mr. Roebuck on that occasion, that he had as much respect for the privileges of the House of Assembly as he entertained for those of the House of Commons; that no earthly consideration could tempt him to infringe upon the smallest of their rights, or violate the least of their privileges, and in one week afterwards, the main hold which the House of Assembly had upon the Government of this country, consisting in the non-payment of their salaries to the servants of the Crown in Canada, was wrested from them. The right hon. Gentleman at once deprived them of that hold by paying those salaries out of the British Treasury, and declaring that he expected repayment from the colonial chest. He did not believe that if his right hon. Friend had, at that time said frankly and openly to Mr. Roebuck—"I do not mean to give you an Elective Legislative Council; I mean to pay the servants of the Crown in the first instance; I am determined that they shall not starve," he (Lord Stanley) did not believe that Mr. Roebuck would have left the colonial office, with the impression that the first thing for which the colonists should look should be the settlement of this question with respect to the Elective Legislative Council. This was the mainspring of action throughout. This was the subject of their perpetual appeal—"Will you give us an Elective Legislative Council or not?" He would take a brief review of the conduct of the Government with reference to this question of an Elective Council, from 1834, down to the present time. ["Take it from the year 1828."] How could he take it from 1828 since it was never heard of till 1832? He would, however, take it from the year 1828, because a question was asked in the Committee of that year, and the Canadian delegates who came over from the House of Assembly, in giving their answer upon that occasion, repudiated the idea of their Legislative Council being made elective, and expressed their anxious desire to adhere to the established forms of the constitution. If, therefore, Gentlemen wished him (Lord Stanley) to go back to that period, he would do so with perfect readiness. But in 1833, an address to the Crown was agreed to by the House of Assembly of Lower Canada, in which it was strongly insisted upon that the Legislative Council of that province should be rendered elective. In 1834, the Assembly adopted several resolutions upon this same subject. There were various points upon which he was desirous to touch in connection with this question, but he knew how disagreeable it was at all times to Gentlemen in that House to refer to documents, and he would content himself, in order to demonstrate the conduct of Government in this matter, with exhibiting the distinctness of the demands on the one hand, and the indistinctness and indecision of the replies on the other. Among the resolutions passed by the House of Assembly in 1834, which were ninety-two in number, there was one, the 12th, which stated that "the attention of the Assembly had been called to two different modes of constituting an Elective Legislative Assembly; that the House thought, judging from experience, that there would be no security in the first mentioned mode, the evils which would flow from its adoption being abundantly evident; but that the House approved of the plan proposed by Mr John Nielson, which presented ample facilities as to qualification, mode of election, and other particulars; and that the House had already, on the 20th of March, 1833, in an address to his Majesty, explicitly declared how they thought the Legislative Council might be rendered tolerable." In the 14th resolution, the House of Assembly again repeated their determination as to the Legislative Council being rendered elective; and stated, "that although such an institution might be considered by the British Secretary incompatible with what he called 'our Monarchial Constitution' ("and undoubtedly," said the noble Lord, "I submit to the imputation"), such a reform in the constitution of the Legislative Council was loudly called for; and the advantages which would result to the province from such a change were sufficiently apparent from the success which had attended its adoption in the contiguous free, moral, and powerful confederation of the United States of America." There was also a subsequent resolution, which he would not trouble the House by reading, but on the whole it was affirmed with the utmost distinctness, that, without an Elective Legislative Council, no mode whatever of altering the existing system—no proposition of amendment—no removal of grievances would, for a single moment, be accepted by the House of Assembly in Lower Canada; and the same thing was stated in the plainest terms—in terms which were not in the least degree liable to mistake—by the gentlemen who came over to this country, as the authorized delegates of the House of Assembly. Upon that broad issue they put the whole question. "An Elective Legislative Council—nothing without that will satisfy us. We will have nothing short of that." He would ask, whether, in the conference between Mr. Roebuck and his right hon. Friend opposite, his right hon. Friend had put forward distinctly and plainly his declaration that her Majesty's Government considered an Elective Legislative Council, in the existing state of Lower Canada dangerous to the monarchial institutions of the empire? This, he believed, he had not done. He did not believe that his right hon. Friend had put it broadly and distinctly to Mr Roebuck. But if Mr. Roebuck had not been made acquainted with the real intention of Government with reference to the Legislative Council, the terms of the instructions sent out by Lord Glenelg were explicit enough. The despatch of that noble Lord to which he referred, stated, that "the King was most unwilling to permit his officers to debate the question whether one of the vital principles of the established form of government in his dominions should undergo a change; that the solemn pledges which had been given for its maintenance, constitutional usage, and analogy, were alike opposed to the principle of entertaining such an idea; and that the objections against this poposition were so numerous as almost to preclude discussion." This was the language used by Lord Glenelg in his correspondence with Lord Gosford; and he (Lord Stanley) would ask whether that noble Lord was at liberty, while treating with the House of Assembly of Lower Canada, to state to them the substance of those instructions? No. For four or five months after the transmission of these instructions to the seat of the conial government, while Lord Gosford was endeavouring to obtain a civil list from the Assembly, and boasting of the progress which the Commissioners were making in the work of reconciliation, as evinced in the more moderate tone adopted by the House of Assembly, Lord Gosford and his brother Commissioners complained that all their plans were frustrated by the unhappy publication of these very instructions. Was there, or was there not, ambiguity and irresolution in the conduct of that Ministry which issued instructions upon a point admitted on all hands to be fundamental, and authorized their servants in the colony to keep their instructions a secret from and treat with the party which preferred a complaint, as if their demand would be acceded to? The publication of the instructions put an end to that. Very shortly before these instructions were made public through the indiscretion of Sir F. Head, Mr. Roebuck moved in the House of Commons for a copy of those instructions, complimenting the Government at the same time upon the conciliatory course which they had adopted. Upon that occasion the hon. Gentleman, the Under Secretary for the Colonies, said that he could not accede to this proposition, inasmuch as the publication of these instructions would be detrimental to the public service. Upon receiving this reply, Mr. Roebuck at once, and in the most courteous manner, withdrew his motion. In a week or a fortnight after, it was discovered that these instructions had been made public. What then? Mr. Roebuck said he could no longer place dependence on the Government with reference to this matter; that whether they had desired intentionally to mislead or not, they had been paltering with the colonists in a double sense, and holding out promises which they never intended to realize, as was evident to him, now that their instructions were made known. It might be expected that uncertainty would terminate here; that the Government would have at this point taken up a distinct line of action with regard to the Legislative Council of Lower Canada. But what had been the language used by the Under-Secretary to the Colonies, Sir George Grey? "It has been indeed assumed, that the constitution of the Legislative Council is not a subject of inquiry under the instructions addressed to the Commissioners. This I am prepared to deny. To the fullest extent to which the present constitution of the Council has been alleged as an evil, to the same extent has it been referred to the Commissioners to report. It was the duty of Government to be slow in adopting a change of this description; and, up to the present period, what reason is there to suppose that there is any strong feeling among the majority of the inhabitants of Lower Canada in favour of an Elective Council?" Here was the whole question thrown open again by a Government which must have known long previously that this was the vital and fundamental point on which the success of their whole colonial policy turned. When he went out of office in 1834, he left to his right hon. Friend who succeeded him every paper, public or private, connected with the colonial Administration in his possession. His private secretary became the right hon. Gentleman's private secretary also; and every paper marked "private" which came into his (Lord Stanley's) possession was transmitted through the private secretary to the right hon. Gentleman's office. His right hon. Friend left his office of Colonial Secretary on the 15th of September following, and unfortunately the change of Government took place on the very day when his right hon. Friend's first despatch was prepared. This was, undoubtedly, most unfortunate; and he could state this fact, in addition, that the right hon. Gentleman did not leave to his successor one single statement containing any account of what was to have been the nature of those instructions. Lord Aberdeen came into office in November, 1834, and remained in until the April following. In the course of a very short time after he assumed the office of Colonial Secretary he drew up a most able minute, stating what had passed, and what he had done in reference to various points of Canadian legislation. He prepared instructions for Lord Amherst—definite instructions—stating what to concede and what not—giving him authority to go a certain length, and no further—declaring what the mind of the Government was, and desiring him to offer those terms in the most conciliatory manner. The Earl of Aberdeen went out of office in April, 1835, but he did not take his instructions with him; he left them with his signature affixed to them in the Colonial-office, that his successor might see what his intention was; so that the Minister who then succeeded (Lord Glenelg) had the double advantage of knowing what the course of policy pursued by his predecessor had been, and of being able to appeal to one of his colleagues for the definite instructions which, but for the unfortunate accident of November, would have been signed and sealed. His noble Friend (Lord Glenelg) had been very much praised for his attention and enterprise. No man certainly respected the noble Lord's character and talents more than he did, but if he had selected points whereon to eulogise his noble Friend, it would not have been those of energy and diligence. But a commission ought to be sent out at a convenient time, and consequently a commission was sent out—not one Commissioner, that would have been too despotic an authority, but three Commissioners, and those Commissioners so chosen as to leave between them every possible variety of shade of political opinion, thus insuring what was afterwards the result—the most happy unanimity of discrepancy. There was one point, and one only point, upon which all parties were agreed, and that was, that the only remedy to be adopted—the mildest and most effectual course to be pursued, was to take in 1836, the Commissioners having then first reported the measure, the identical measure, which he had had the honour of recommending in 1834, which had received the sanction of Lord Grey's Cabinet, and which, he would observe, as the authority had been appealed to, an authority which he looked to with the highest respect and deference, had met with entire approbation in the evidence given by Sir James Kempt from his own knowledge. That was the solitary point of advice given unanimously which her Majesty's Government did not think it necessary to follow. But after sending those Commissioners to inquire upon every possible subject, which he would not weary the House by detailing, receiving from them not a single proof, not a tittle of evidence, with regard to any one of those points, all of which remained the same and unaltered, beyond what they had possessed in 1834, her Majesty's Ministers, at least, in the year 1837, screwed up their courage to come down to the House of Commons with certain resolutions. Before he adverted to those resolutions he would just read one extract, and only one, from the report of the Commissioners. Leaving apart all consideration of the responsibility of the Executive Council, the immediate cession of the revenues, the repeal of the Tenures' Act, the abrogation of the charter of the Land Company's Act, and various other points, all of which had been subjected to the same discussions in 1836 as they had previously undergone during the Government of 1834, he would see how they had acted with respect to the Legislative Council. In the first place, the Commissioners unanimously and separately vindicated the conduct of the Legislative Council from many of the charges which had been thrown out against it. They stated that as decidedly the opinion of the French population of the lower classes was in favour of an Elective Council, so was that of the whole of the English population as decidedly opposed to it and favourable to the maintenance of the constitution. They then continued with this remarkable passage:—"Turning now to the consequences of an Elective Council, we are not to suppose that the party now so violent in demanding it would sit down in quiet thankfulness and submission if it were granted. It is looked to, we must consider, not as an empty name, but rather as a means towards further ends. Neither are we left entirely in the dark as to what those ends may be. We will not enter upon the field of conjecture as to the various steps which might mark the progress of their demands, but simply point out that two at least have already been announced, which, it appears to us, whilst England has a shadow of authority, it must be impossible, because dishonourable, to grant." Those two were the repeal of the Tenures' Act without a guarantee for the titles acquired under it, and the abrogation of the charter of the Land Company. They stated this as the direct and necessary consequence of an Elective Council, in their report received early in 1836; and it was not till 1837 the resolutions of the Government respecting the state of Canada had been brought forward. And when brought forward, what sort of resolutions were they? They expressed no distinct or positive opinion upon any one subject, while the authors of them were told by both sides of the House that they could only irritate, without doing any good; that they were calculated rather to encourage their enemies than confirm their friends, if by enemies were to be considered those who were seeking for unconstitutional changes in Canada. Those resolutions were, however, passed with the concurrence of nearly the whole House, but at the same time with an intimation of the irritation they would produce; and having passed, after considerable delay, with which Lord Glenelg was not chargeable, but for which the Members of the Government at the other side of the House were, in his opinion, highly censurable, because by that delay they had made it impossible during that Session to pass an Act founded upon those resolutions—having passed both Houses of Parliament, they were transmitted to Canada. But were any steps taken by the Government to convince Canada that they were in earnest in enforcing those resolutions? After having adopted this most irritating course—after having been told by the agent of the Colonial Assembly, that unless they took great precaution those resolutions would lead to revolt and bloodshed, what course had been pursued by her Majesty's Government, and what inducement had they given to the Canadian people to disbelieve that if they had only pressed their demands a little more strongly, those demands would not meet with a violent resistance. Who were the individuals who had been most prominent in opposing the policy of her Majesty's Government with regard to Canada, and in supporting those persons who were putting forward most unconstitutional pretensions? Why, they were the hon. Member for Westminster, the then Member for Bath, and the then Member for Middlesex—the very three individuals who had received, in the election which immediately followed, and in the two elections which followed, with regard to one of them, who in the first opposed Sir Francis Burdett, and the next Sir George Murray—the very three individuals who had opposed most vehemently the policy of the Government as to Canada, received at those elections much and signal countenance from her Majesty's Government—yes, those were the very Gentlemen who had been, to the utmost of their power, encouraging persons in Canada to resist the authority of the British throne. He did not want to make any personal allusions; but he could not avoid saying, that if there was one individual above another who had used strong and violent language with regard to the French population of Lower Canada, that individual was the hon. and learned Member for Dublin; and did the Canadians see that that hon. and learned Member obtained no portion of the favour and countenance of her Majesty's Government? Did they not see that the hon. and learned Member for Dublin had drawn a parallel between Canada and Ireland, that he himself had traced that parallel, and that he had invariably pressed upon the attention of the House that it was by bold, even, and unceasing demands they were to wring from the Government that which they had a right to demand—did they not see that the hon. and learned Gentleman had in this manner been successful as regarded Ireland, and seeing it, what reason had they, with M. Papineau at their head, to suppose that the same course, if pursued in Canada, would not meet with the same happy results? In a debate upon one of these questions they had heard her Majesty's Secretary of State for the Home Department, in his place in Parliament, lay broadly down this maxim—that when popular concessions were sought by a majority of the people, they must necessarily be granted by the Government, and that if the first grant were not sufficient, more must be conceded. Now, his noble Friend's amendment characterised the conduct of the Government as ambiguous, but had it been M. Papineau who had undertaken the task, he would certainly have said, in reference to this maxim of the noble Lord,—"Here is a clear indication of our course; we cannot be misled; the more pressing we are, the more success we may expect; Government gives so freely under the pressure from without in Ireland, that they cannot refuse us what they have granted to that country merely because we are weak and distant." He asserted, then, that the Government had been giving encouragement with one hand, while with the other they had been applying ineffectual and miserable measures of restraint. Had there been no vacillation, no delay in their proceedings? What was the first duty upon sending out these resolutions? Why, to send out with them definite instructions as to the course which the Governor ought to take in the critical position in which he was placed, that he might not be left solely to his own jugdment, and to act entirely from himself. He should have received definite instructions, and a sufficient force to carry them into effect; but he had neither received the one nor the other. In November, 1836, the noble Lord, the Secretary of State for the Colonial Department, promised full and immediate instructions as to the course to be pursued; in March, he announced that resolutions had been brought forward in the House of Commons, and that immediately upon their being passed, full instructions should be given; and in April, he announced that he could not give full instructions until those resolutions should have passed the Lords, although his noble Friend knew very well what would be the result of his laying them before their Lordships, and could have had no apprehension whatever of their being rejected. There might, to be sure, have been a formal objection to his sending out instructions before the resolutions were passed, but having those instructions fully prepared and ready to be sent out the moment the assent was given to the resolutions, was manifestly the course which was called for, and which ought to have been pursued. But even then those instructions were not issued. Month after month communications were dispatched to Lord Gosford, who was, however, still left to act upon his own responsibility, without instructions from the Home Government; and although ordered in April to call together the provincial Parliament, he was not furnished with the means of doing that upon which the Government acknowledged their hopes rested—namely, of introducing those resolutions into the Executive Council. In 1836, Lord Gosford recommended certain individuals to be put into the Council; and in May, 1837, Lord Glenelg stated that he could not agree to them, and that Lord Gosford should send others for consideration. Lord Gosford continued month after month to send home the names of persons unobjectionable to all parties in Canada, when at length Lord Glenelg wrote to say, but not until after he had left the Parliament without the power of doing it, that Lord Gosford might name any nine gentlemen he pleased. Could there have been a more vacillating, irresolute, or unstatesman like course, than that which had been pursued by Lord Glenelg and her Majesty's Government respecting the Legislative Council, and which they professed to be one of the greatest means of conciliating Canada? One word with regard to the troops. On the 6th of March, 1837, Lord Glenelg communicated to Lord Gosford—"that as a measure of precaution, they ought, probably, to strengthen the military force in Canada by the temporary addition of two regiments, and that her Majesty's frigate, the Inconstant"—how happily named!—"would sail with them as soon as the navigation was open." Need he say, that the sequel of this correspondence was free from any signs of vacillation, and that Lord Gosford had no reason to apprehend that Lord Glenelg would not act decidedly, and in conformity with his own declared opinion? They would see. Upon the 6th of March, he stated that two regiments should proceed to Canada, and upon the 22nd of the same month, he sent the following satisfactory message to Lord Gosford:—"My last private letter led you to expect a reinforcement to the garrison of Canada of two additional regiments"—not a very unnatural expectation he should think,—"but since I made that communication to you I have ascertained that it would not be possible to detach such a force without inconvenience, and without making a demonstration which might be productive of greater evil than advantage." Now, would it not have been better for Lord Glenelg to have ascertained that by communicating with his Colleagues on the subject before he dispatched his letter of the 6th of March? He would say, that this constant variation and fluctuation of opinions and intentions must have the effect of rendering any person subordinate to the present Government extremely cautious and timid as to how they should act, even upon the strongest premises; that it must paralyse the efforts of the best disposed, raise the hopes of the disaffected, and, in the very absence of their demonstration, produce the most powerful effect, as in fact, it had done, by giving encouragement to the rebels of Lower Canada. But, what was the answer made by Government? Oh! that, indeed, there were troops in Nova Scotia, and that Sir C. Campbell was ordered to send them to Canada. Now, upon the face of this correspondence, as far as he could see, it did not appear that Sir C. Campbell had been authorised to do any such thing. It appeared that a letter had been sent to Lord Gosford telling him to call upon Sir C. Campbell for troops if he should think it necessary; but it did not appear that any direct communication had been made to Sir C. Campbell to the effect that the military strength in Nova Scotia was liable to be weakened by a detachment for the Canadian service. He was much mistaken if Sir C. Campbell had not, on more than one occasion, protested against such a reduction, on the ground, too, that the military force in Nova Scotia was not sufficient for his own administration of the province. That very point had been put to the Government. A motion had been made in another place for the production of the letters of Sir C. Campbell on the one part, asking for a reinforcement, and of the Government on the other, refusing it; but they had been told, that it would be inconvenient to the public service to produce them. They had, however, produced the dates, upon which the demand had been made and refused! What then took place? It was stated by a high authority, that in Canada there was a sufficient force to put down the rebellion—very differently from what was generally supposed; that it could be put down by the gallantry of the troops and the loyalty of a great portion of the Canadians themselves. That anticipation was correct, and the rebellion had been actually put down, though with considerable loss of life, and great misery and wretchedness to the country at the commencement of a Canadian winter. But, nevertheless, there was not avowedly a sufficient military force to discourage the rising without other assistance; for, just previous to it, the American papers were full of calculations on the subject. They stated that there were but 3,000 troops, or whatever the number was, in Canada, that in a short time the navigation would be closed, that then no further reinforcements could be had, and that such troops as were in the country would either be driven out of it, or blockaded in Quebec and Montreal. Such were the speculations made by persons in the United States, who were favourable to what was called the popular cause. They further stated, that the second regiment had been sent for at a very late period, and that notwithstanding the facilities afforded by the circumstance of the navigation remaining open so long, the winter having commenced at a later period than was almost ever known before, yet that in a very few days that regiment would not be able to go from Halifax to Quebec. It was a fact well known that the insurrection had broken out long before the leaders of it intended, and that had it not—had the mine not exploded too soon, her Majesty's Government, by their vacillation and uncertainty, would have been convinced that they had left the country in a state totally unprepared to meet the exigency of the case. He would allude to one other point, because a point of singularly good fortune to her Majesty's Government. He was happy in having the opportunity of paying that tribute, which he was sure no man in the country would withhold, of admiration and acknowledgment of the honourable and handsome manner in which the central government of the United States had maintained faith with this country. With a population over whom their laws gave them very little control, placed beside a Government which, if any unauthorised intervention of rambling troops took place, would have been the last to complain, seeing that the whole of the border was excited, and that the natural democratic feeling of the United States was kindled and enflamed by the Canadian revolt, and that it was irritated by the temporary, and perhaps unavoidable, act upon the frontiers in repelling aggression, the government of the United States, in the most manly and honourable manner, had, upon the faith of existing treaties, although at the loss of their popularity as a republic, observed a neutrality between the two countries. But if the American government had taken a different course —if it so happened that they had availed themselves of this pretext, which the border states were too ready to lay hold of for possessing themselves of the disputed territory between Maine and Canada, and if they had thereby compelled this country, in the moment of her weakness to repel the aggression of America, where would be the hopes, let him ask, founded upon the foresight of the present Government, of keeping down even the wretched insurrection which disturbed the tranquillity of Canada? He did not despair of seeing the Canadian people brought back to a sense of the egregious manner in which they had been duped by their leaders. He knew no people naturally more content or more amiable, with better dispositions, or more kindly habits in domestic life, than the Canadians—the French population of the Canadians; but he knew at the same time, that they were a people of ignorance the most profound, of prejudices the most inveterate, of simplicity the most undoubted, of vanity the most egregious; and, consequently, putting together their simplicity, vanity, ignorance, and prejudices,—a people in the most absolute and entire dependence upon those demagogues and leaders who flattered their prejudices for the purpose of obtaining their support. If the Government would bring them back to a state of tranquillity and contentment it must be by measures which would give them their rights, but give them nothing more. By maintaining the balance between them and the British portion of the population, above all, by abstaining from throwing out hints of a willingness to give what you never intend to give, but by acting with firmness and decision, by letting them know your determination, and by letting them see it is just and honest, by such a course he believed England might win the affections as well as control the obedience of the Canadian people. He did not hesitate, with his noble Friend, to declare, although he did not charge her Majesty's present Government with the evils and difficulties which afflict Canada, yet he did not hesitate to declare and say with confidence, that if they had displayed foresight, energy, and determination, to the same extent that they displayed the precisely opposite qualities, if they had not been ambiguous in their language, vacillating and irresolute in their conduct, the evils which had led to revolt and rebellion in that colony, would not have arisen, and would not have called for the wretched necessity of shedding human blood, and suspending the constitutional rights of our Canadian fellow-subjects.

Sir *Charles Grey*, who was very imperfectly heard throughout the whole of his speech, commenced by saying, that he thought he should be doing great injustice to the Government, and great injustice also to himself, if he were to put himself forward to answer so experienced and able a debater as the noble Lord who had just sat down. Indeed, with so recent a claim to partake in the debates of the House, he should hardly have presumed to share at all in the present discussion, if it were not well known that he had to a considerable extent been connected with the affairs out of which the motion of the hon. Baronet, the Member for Leeds, had arisen. Looking at the nature of that motion, and seeing how directly it was levelled against Lord Glenelg, he was most anxious that those who knew how many opportunities he had had of observing that noble Lord's conduct, and of learning his opinions and disposition upon Canadian affairs, should not lie under any mistake as to the conclusions which he (Sir Charles Grey) had formed upon the subject. Therefore, feeling himself called upon at all events to take some part in the debate of the evening, he must account for his taking that particular moment for rising, by stating, that the noble Lord (Stanley) had mentioned some circumstances which he thought were not quite accurate, which he believed he was able to set right, and which, perhaps, no other person in the House could do. Having made this, which was a true, though perhaps not a sufficient apology for that which might otherwise appear to be most presumptuous in him, he would now proceed to speak, not only upon the subject on which the latter part of the debate had turned, but also to offer a very few words (he should be dissatisfied with himself if he sat down without doing so) of what occurred to him as to the original motion brought forward by the hon. Baronet, the Member for Leeds, for that motion was still before the House; and before they rose that night, the motion, as well as the amendment moved by the noble Viscount (Viscount Sandon), the Member for Liverpool, must be disposed of. It was certainly with rather a strange feeling that he first read the terms and contemplated the tenor of the motion of the hon. Baronet. It appeared to him that the motion was not only in some degree ungenerous in itself, but that it presumed, or seemed to expect a certain want of generosity in others. He could only attribute any anticipation of success for such a motion to an expectation on the part of him who brought it forward, either that the colleagues and associates of the noble Lord whom it attacked would at once ungenerously turn upon a wounded companion aad leave him to his fate, or else that the adversaries of the Government would so rejoice at having an opportunity afforded to them of grappling with their old foes, that they would for that purpose join the ranks and act in concert with those to whom, upon every point of policy, they were opposed in a tenfold greater degree. He sincerely rejoiced that in both of these expectations the hon. Baronet had been entirely disappointed. On various grounds he was happy to think that the motion as well as the amendment would fail, the more especially as he considered the motion to be highly objectionable on constitutional grounds. He considered it to be highly objectionable that one individual should thus be singled out from amongst a Cabinet, all of whom had partaken in those councils, and sanctioned those measures, the sole and exclusive responsibility of which it was now sought to attach to his noble Friend. To this extent he did not hesitate to describe the motion as a most unbecoming interference with the legitimate prerogatives of the Crown. But there was another light in which the habits of his life naturally led him to view the question, and that was with reference to the justice or the injustice of the proceeding: to him it appeared to involve the extreme of injustice, for the forms of the House precluded the noble Person principally accused from being heard in his own defence; the meanest subject in the realm being accused of an offence rendering him liable to the slightest penalty, could claim the right of being heard on his own behalf, while in the present case a Cabinet Minister was denied that simple measure of justice which the humblest man in society could insist upon as a matter of right. Although motions of this description might be made and made again, though the forms of the House did not allow of defence on the part of the noble Lord, yet he hoped the House would not forget that it was their duty to extend to the noble Lord that protection to which the broad rules of justice entitled him. Relying upon those broad principles of justice, and upon the influence which he hoped they would have upon the minds of hon. Members opposite, he did feel almost confident that they would not give their sanction to the proposition of the hon. Baronet, the Member for Leeds. That hon. Baronet, in bringing forward his motion, had adopted a course which, however convenient it might be to himself, was any thing but convenient to others, and was any thing but favourable to the legitimate purposes of public discussion. The hon. Baronet had laboured to establish points not at all material to the main question, and had altogether failed to establish those on which alone the success or failure of his motion ought to depend. The hon. Baronet laboured to establish the importance of our colonial possessions, and to show the difficulties with which the maintenance of those possessions was surrounded; but he was at a loss to discover how statements and reasonings, bearing upon those questions, went to inculpate the noble Lord at the head of the colonial department. Every thing which did not tend to that object was clearly beside the question. The position, and the only position, which the hon. Baronet had to establish was this, that the noble Lord had by his conduct deserved the vote of censure, or the vote of want of confidence, which the House was called upon to pronounce. Looking back, then, upon the speech of the hon. Baronet, he should say there was nothing in it which rendered a special defence for the noble Secretary for the Colonies necessary. His case, he thought, might safely be left to that general defence which could, as he thought, be effectually made on behalf of the Ministers at large. It was natural that he should attempt that general defence of the Government as to Canada upon which he then proposed to enter. It was to be expected from him, principally on this account, that he had been for some time resident in Canada, and had been one of the Commissioners there. He was, therefore, in the first place, anxious to set the House right as to some misconceptions connected with the present question. Previous to entering upon which, however, he should take the liberty of saying, that it was rather a remarkable subject for a trial of strength between the parties, when the question brought forward was one which involved principles on which the one party had allied itself with the other. It was also worthy of observation, that in both Houses there should have been such marked diversity of opinion amongst the opponents of Ministers that there could be no rational grounds for expecting them to concur in any vote of condemnation respecting any line of policy. The unfortunate rebellion in Canada had been ascribed chiefly to the want of foresight, the dilatory and irresolute conduct of the present Colonial Minister; but a little attention should be paid to dates. Neither Lord Glenelg nor the Cabinet could justly be held responsible prior to 1835. And what was the main difficulty, what was the grand obstacle which interrupted the ordinary course of Government, and induced the conflict which unhappily ended in bloodshed? There was in the first instance the unreasonable demands of the French Canadian Assembly and the impossibility of complying with them; the power which the Assembly had of interrupting the course of government, and making it impossible for the Queen's Minister and the Imperial Parliament to stop short of those measures which threw the province into open rebellion. When and how had that difficulty been constituted? He affirmed that it existed in full force before 1835. Such being the case, and the French Canadian Assembly having before that taken a position from which they would not recede, the dilatoriness which had been imputed to the noble Lord arose not from irresolution, but from a natural reluctance to take those measures which at length developed the crisis which was unavoidable, whatever course of policy might have been adopted. The next circumstance to which he would allude was the Committee of 1828. He was far from blaming the spirit or intentions with which the decisions and recommendations of that Committee had been formed. He would make no further observation on their conduct, at least to their disparagement, than to say, that he was confident they had not been fully aware of the circumstances which rendered it dangerous to intrust the French Canadian people with all the liberty which belonged to them, if they were really to constitute an assembly such as a House of Commons in the province. That Committee had conceded to them nearly the whole of their demands; as far as possible, by their recommendations, they put the Canada House of Assembly into the position and functions of the British House of Commons. Then came the provincial Act of 1829, which increased the difficulties of the case, making an important alteration in the electoral districts of the province, making it utterly impossible that there should be any other than a French Canadian majority, extending almost to the whole body of the Assembly. Lord Ripon's Act, passed no doubt with the best intentions, had also the effect of consolidating the power of the Assembly. In the spring of 1834, the whole of the ninety-two resolutions, comprising the entire unreasonable demands of the French Canadian Assembly had been passed; and the noble Lord opposite (Lord Stanley) did not leave the Colonial-office without sending out a despatch which tended to irritate the Canadians. The whole of the difficulties had arisen before Lord Glenelg entered the Colonial-office. No act could have prevented mischief of some sort; and it was mere accident as to the form or extent in which it should be developed. He did not mean to say, that during their continuance in office he had always concurred with the present Administration: but on a calm review of the whole, he could not come to the conclusion, that the conduct of

Ministers during that period had in any important or assignable degree contributed to produce the disasters which he, for one, sincerely deplored. What were the omissions charged against the Government between the years 1835 and the present time? The first was, that instead of one Commissioner, three had been sent out. This, he thought, a singular objection. Lord Aberdeen had resolved, on sending out Lord Amherst as sole Commissioner, thinking that he combined in his own person all the talents of the three who had been appointed. The Commissioners had been sent out for the purpose of pacifying the French Canadians, and, in his opinion, Lord Amherst would have stood a worse chance than they did of obtaining supplies from the Assembly. Ought not, then, hon. Gentlemen opposite, who thought that Lord Amherst's policy would have tranquillised Canada to state what he would have done if his demands had been refused by the House of Assembly, as most assuredly they would have been? There was no reason to suppose that any other measures would have met with better success than those which had been adopted by the Government. There had been some delays, and various measures, which had driven persons to oppose the authorities in Canada, amongst which was the passing of the resolutions of last year. He acknowledged that there then appeared to have been delay, but it had not been from want of will on the part of the Ministry: it had arisen from the opposition of a small but energetic party, and from a multiplicity of public business. The resolutions had, in some degree, caused the outbreak into rebellion, but passing them was indispensable, in consequence of the circumstances that had existed in the colonies for many years; and they had the unanimous consent of the party which now supported the amendment of the noble Lord. It had been said, that it would have been policy to accompany those resolutions by measures of conciliation; but, with reference to the instructions to Lord Gosford on the subject of an elective Legislative Council, it was from the despatches which were published by Sir Francis Head, not containing the whole of those instructions, that the discontent of the Upper Canadians had arisen; as soon, however, as Lord Gosford felt at liberty to publish them *verbatim*, their indignation at what had been disclosed by Sir Francis Head was immediately appeased. Any person who had been in Canada must have fully exonerated Lord Gosford, and would have appreciated the difficulties under which the Government had laboured. His whole conduct had been marked, not by timid caution, but by just discretion. The noble Lord had admitted new members into the Legislative Council to conciliate the French Canadians, but this had only the effect of inducing them to say, that they considered it a fresh insult, because their other demands were not conceded. The only remaining complaint against the Government was, in not sending out troops, but it was one of which he could not perceive the justice. There was no call for them until the latter part of 1837; and his own conviction, as Commissioner, on his leaving Canada was, that no rebellion would take place. A noble Duke (the Duke of Wellington), a high authority, had not found fault with the Government for not sending out troops to Canada, but the noble Duke thought it would have been better to increase the number in Halifax and New Brunswick. Surely, this could not be imputed to the Ministers as a fault or a crime. From the sources of information which the Government had in their power, and which had led them to think more troops unnecessary, how could the Government come down to this House and ask for supplies for the extra expenses? And what answer could they have given to the American ambassador, if he had inquired why they were sending troops through America; and why, if they were intended for Canada, they were increasing their forces there? A Friend of his, whose opinions were similar to those of the hon. Members opposite, had pointed to the recommendation of Lord Gosford in September, that troops should be sent out; but it must be remembered, that that despatch, though written in September, had not reached this country until October, and if troops had been sent out at that season of the year they would most probably have spent the winter at the island of St. Anticosti, as they could not have got up the St. Lawrence. When the Ministry were censured for delay, it ought to be borne in mind that no troops had been wanted until it was too late in the year to send them out, and also that the policy which this Ministry have pursued, has conciliated the neighbouring states, and secured the affections of the other British colonies; showing the former that they had no hostile intentions towards them, and convincing the latter that they only wished to exercise a paternal authority over them. This policy had left the inhabitants of Canada in full security, and had suppressed a rebellion, which, under other circumstances, might have been dangerous, and might have led to a separation of the colonies from this country, but which, as it had happened, had passed away like clouds in a summer morning.

The debate was adjourned.

HOUSE OF COMMONS,

Wednesday, March 7, 1838.

Minutes.] Petitions presented. By Mr. W. A. Williams, from Chepstow, by Mr. Langdale, from Baptist Dissenters at Beverley, by Mr. Grantley Berkeley, from Anderford, by Lord C. Russell, from Bedfordshire, by Captain Dundas, from Dissenters of Devizes, by Mr. Beamish, from Cork, by Mr. Pease, from Kendal and other places, by Mr. Greene, from Lancaster, by Mr. Evans, from Baptists of Redding (Derby), by Mr. P. Thomson, from Manchester, by Mr. Baines, from Leeds, for Negro Emancipation.—By Mr. Halford, from St. Martin, Leicester, for repeal, or effectual amendment of the New Poor-law.—By Lord C. Russell, from one of the Bedfordshire Unions, against misrepresenting the provisions of the Poor-law.—By Mr. W. Crawford, from Merchants of London, for the abolition of the Toll Clause in the Fishguard Harbour Bill.—By Captain Moneypenny, from Rye, and by Mr. F. T. Baring, from Merchants of Portsmouth, for the abolition of the duty on Marine Insurances.—By Mr. Bridgeman, from Ennis, in favour of Municipal Reform.—By Mr. Macleod, from Inverness, for the establishment of a Day Mail to Edinburgh.—By Mr. A. White, from the Overseers of Sunderland, in favour of the Rating of Tenements' Bill.—By Lord Powerscourt, from the Protestant Association of Bath, against the suppression of the See of Sodor and Man.—By Mr. Pringle, from Selkirk, against the Sheriffs' Courts (Scotland) Bill.—By Mr. Sergeant Jackson, from the Electors of the Queen's county against the present system of Registration in Ireland.—By Mr. F. Baring, from the Town Council of Portsmouth, for the Emancipation of the Jews.—By Mr. R. Ferguson, from Greenock, against the Corn-laws.—By Mr. W. Duncombe, from a place in the North Riding of the county of York, against the Boundary Bill.—By Mr. Wakley, from the Working Men's Association of Liverpool, from the Operative Carpenters' Society of the same town, and from the Working Men's Association of Dumfries, for a mitigation of the sentence passed on the Glasgow Cotton Spinners.—By Viscount Clements, from Fishermen of Sligo, Leitrim, and Donegal, not to abrogate any of the Acts of Parliament past during the last reigns in their favour.

Colonial Administration — Adjourned Debate.] Mr. *Leader* wished to offer a few observations on the subject, and he should occupy the attention of the House only for a few minutes, as he was incapable, from illness, of making a speech of any length. In the consideration of the motion of the hon. Baronet (Sir W. Molesworth) the real question, which was the great difficulty in which the government of the colonies was involved, and the unfitness of the noble Lord the Colonial Secretary for the office which he held, had been put on one side, in order that the debate might become a mere party matter, and that the question might in reality be not whether the colonies were well or ill governed, or whether the noble Lord had well performed the duties imposed upon him, but whether the hon. Gentlemen who occupied the Treasury Benches should remain in office, or whether they should not give way to those hon. Gentlemen who were now on the opposite side of the House. Now this being the case, he thought it much better that the former question should be determined first before the latter should be brought under consideration, but he thought it was quite right that a Minister who had not been out of office for a quarter of a century should answer or attempt to answer the hon. Member for Leeds. It was amusing to see the error into which the noble Lord, the Secretary for Foreign Affairs, had fallen as to the mode in which the hon. Baronet had intended to bring forward this motion. The right hon. Gentleman evidently thought that the hon. Baronet had intended to make a violent attack upon the Government, on the subject of the affairs of Canada, and he had, therefore, come down fully prepared to defend the Government on that point, but not to defend its policy with regard to other colonies and other matters. It was certainly matter of surprise to him (Mr. Leader) to see the noble Lord take credit for the manner in which the affairs of Canada had been governed; and it appeared to him that it required the long experience of the noble Lord—that species of experience which was acquired from a continuance in office during a quarter of a century—and something of the boldness acquired by it, to make such a statement as that made by the noble Lord, for he had himself had a share in the uniform misgovernment of the Canadian affairs. The noble Lord was pleased to taunt the hon. Member for Leeds with failure in the statement which he had made, but if there had been any failure it had been on the part of the noble Lord himself, who had not by the force of any argument of his, or by the statement of any facts, impugned any one position taken up by the hon. Member. It would be, however, for the country to judge whether the case made out by the hon. Member was such as to merit attention, and to deserve that the course which had been adopted should be taken, or whether the noble Lord, in the defence which he had set up, was justified in calling the attack which was made on the Ministry, ungenerous, unconstitutional, unhandsome, and, above all, unjust. It appeared to him to be a very strange charge to bring against the motion, that it was unjust, as it was a charge brought by a public man against a Minister of the Crown, not on account of his having acted fairly by the trust imposed in him, but by his having acted negligently in administering the system which was adopted, whatever it might be. Could there be anything ungenerous in that. If there was, he was at a loss to know how any Minister could be held responsible to that House. The Ministers would have a complete sinecure if they were to govern the matters under their control negligently, and were then to be screened from any statement made by any hon. Gentleman on the ground of the charge being ungenerous and unjust. As to its being unconstitutional to bring forward such a charge, he would not weary the House by enlarging upon a subject on which every one who had considered the matter was well aware there were precedents for the course adopted by the hon. Baronet, and some, too, which were recent. But whether or not any precedents were in existence, the case was one of so much importance that he thought the hon. Baronet was clearly justified in bringing forward his charge, in order to show the difficulties in which the colonial empire of this country was placed, and in proving, from the acts of the Ministers themselves, whether of omission or commission, that the noble Lord, the Secretary for the Colonies, was not the fittest man in the country, or rather was the most unfit man who could be selected, to grapple with the difficulties which at present existed in reference to almost all our colonial possessions. The noble Lord (Palmerston) had said that he was surprised at the quarter from which this attack came; that he should not have been astonished if the right hon. Baronet, the Member for Tamworth, or the noble Lord, the Member for North Lancashire, had attacked the colonial policy of the Government; but for charges to be brought against the Government by a Member on the same side of the House with themselves, who had acted with them, and who professed to be more liberal than themselves, was a matter which was most singular. Now, it appeared to him that the hon. Member for Leeds, and those who usually acted with him, were precisely the persons who were most called on to attack the Government when they considered they should be attacked; because they had for some time trusted the Government, they had supported it when they could, and they had believed its liberal professions, but now when they found themselves deceived they were imperatively called on to say, that they no longer had in the Government that confidence which they had hitherto reposed in them. The noble Lord had referred to a meeting which took place in the month of October last at Bodmin, and had tried to fix on the hon. Member for Leeds and on him (Mr. Leader) a charge of inconsistency, for having then said something in favour of the Government, and for having now brought forward the present charge. In the whole of that part of the statement of the noble Lord there was something which appeared very much as if it came from the Foreign-office, for there was a great deal of diplomatic suppression of facts. The noble Lord, after having attempted to prove his case as against the hon. Baronet, by way of raising a laugh at his expense, said, that the hon. Member for Westminster returned thanks on behalf of her Majesty's Ministers. He was sorry to trouble the House with a matter so really personal, but as the noble Lord had thought fit to introduce the subject, he could not well pass it over without taking some notice of it, and without endeavouring, at least, to show that his conduct on the occasion referred to, and his conduct now, did not render him open to such a charge as that of inconsistency, and he must add, that the noble Lord had very much misquoted what had really occurred at the time in question. The real truth was, that the chairman of the meeting proposed, without any previous communication to him, "Her Majesty's Ministers, so long as they studied the interests of the people;" and he said, that he would couple with this toast that which he believed might be fairly coupled with it, namely, "The Reformers of Westminster, that being the city in which the Ministers held their meetings."

He had thought himself called upon, on the toast having been drunk, to return thanks for it on behalf of the Reformers of Westminster; and besides, when he recollected that at the last election several of her Majesty's Ministers had done him the honour to vote for him, he thought that there would be something ungracious in refusing to perform that service for them—it would be casting them off at the commencement of a new reign, before any opportunity had been afforded them of exhibiting the course which they proposed to adopt; and therefore it was that he had said at once at the meeting, that he was delighted to return thanks on behalf of the Reformers of Westminster; but that, as to her Majesty's Ministers, he should pursue the same course of conduct that he had hitherto done, and that when he found that to support the Government was against his principles, he should sacrifice the Ministers in order that he might not in any way compromise his own feelings. If the noble Lord had not very much misquoted what had taken place, he would ask, whether anything had been shown to the House which would justify the allegation that, on that occasion, he had praised Ministers? But even supposing that he had praised them, that he had then declared his entire approbation of their conduct, there had been certain occurrences since that time which would amply justify a change in his opinions with regard to the Government. He would ask, whether the House had forgotten the declaration of the noble Lord, the Member for Stroud, at the commencement of the Session, that further reform was unnecessary, and his declaration also in favour of the preponderance of the power of the landed interest? Had they forgotten the manner in which the Government had brought forward the civil list, and the way in which they had hurried through it, granting a more extravagant allowance than any ever proposed by the Tories? And last, though not least, had they forgotten what occurred recently on the question of the ballot? Did they not know that the majority of those who sat behind the Treasury benches, and who cheered the Members of the Administration, had no confidence in the Government, and only continued to vote with them because they thought that they were somewhat better than the Gentlemen opposite would be if they were in the same situation?—he was reminded that there was also the suspension of the Canadian constitution, of itself sufficient to justify his withdrawing his confidence and his support from a Ministry who had advocated such a measure. The noble Lord, in referring to the meeting, apparently wished to bring a charge of inconsistency against the Radicals. Certainly what had been said did not convey any charge in his mind, and such a charge appeared to him to come but strangely from a Member of the Administration. Then the noble Lord said, that he was much surprised that the noble Secretary for the Colonies should have been selected for such an attack, and it certainly appeared to him that there was something to justify that surprise. The noble Lord might very well be surprised that the foreign department had not been attacked; for there were many matters connected with its administration which were not only in themselves highly objectionable, but which gave great dissatisfaction to the country, and the noble Lord, therefore, might well feel somewhat astonished. However, the opportunity was not entirely lost, and some hon. Gentleman who took a great interest in the Foreign-office might, perhaps, give the noble Lord an opportunity of vindicating his conduct. Then the noble Lord, in defending his noble colleague, did not attempt to refute any of the statements made by the hon. Member for Leeds in bringing forward the motion, but said, that the noble Colonial Secretary was a man of great acquirements, of exceedingly amiable disposition, of high character, and for whom he had the greatest possible regard. Now this might be a good defence *ad misericordiam*; but it was no answer whatever to the charge which had been brought. Then it had been said, how unjust for the hon. Member for Leeds to bring forward this motion, and to attack the noble Colonial Secretary for what had occurred before he had had anything to do with the colonies. It was all very well for the case to be put in this way; but the hon. Member for Leeds did not charge Lord Glenelg because the system was bad, or with having brought any evils on the colonies before he came into office; all he said was—and it was not answered, because it was unanswerable—that Lord Glenelg had not administered with decision, with firmness, or with activity, that colonial system, good or bad, which he was called on to administer by virtue of his office. Then, last of all, the noble Lord said, "Consider what will be the result of this resolution if you succeed in your motion; the country will have the great misfortune of losing our services, and there will be the terrible evil of the Tories coming into power." He must admit that he was not much alarmed by the prospect; and it was his firm belief that there was not much difference between the present Ministry and any Tory Administration which might succeed them, and he really thought that the country would not lose by the change, and he would give his reasons for thinking so. At present there was a Whig Government acting on Tory principles. Whatever might be said he maintained that they were acting on Tory principles, and what was more important still, they were controlled by a powerful opposition. Now if the Tories were in power what would be the state of things? There would be a Tory Government acting on Tory principles, and there would be a powerful liberal opposition to control them, and he believed the country would be in as good a position under such an administration as it was at present. He did not wish to say, however, that he should like to see the country in the position which he had suggested, but the prospect, nevertheless, was not so bad as the noble Lord (Lord Palmerston) wished to make it, in his anxiety to prevent the House from agreeing to the motion of the hon. Member for Leeds. He had a few words to say on the subject of the amendment which had been proposed by the noble Lord, the Member for Liverpool. It appeared that the noble Lord was also induced by personal motives to abstain from supporting the motion of the hon. Baronet; for, in fact, his amendment would have the same effect as the motion, by throwing blame on the Government for their administration of colonial affairs, and consequently, of course, to blame the noble Lord, the Colonial Secretary. But it seemed that such was the personal friendship between the noble Lord, the Member for Liverpool, and the noble Lord, the Secretary for the Colonies, that the former thought it better that the whole subject of the colonial government should be pressed upon, and that the affairs of the colonies generally should be declared to have been negligently and badly administered, rather than his noble Friend should be subjected to any pain on account of any censure pronounced by this House. The noble Lord might be very well satisfied with this arrangement, but that it did not appear to him to be the way in which public men should view public matters, and however painful it might be, personal friendship should yield to public duty. At the same time, however, it was not for him to dictate to the noble Lord either the course which he should adopt, or the way in which his feelings, whether on public or private subjects, should be governed or guided. It was impossible, however, and he supposed the noble Lord was aware of the fact, that he or any hon. Gentleman on that side of the House could vote for the amendment. He entirely concurred in its general purport, which was to censure Ministers for having badly administered colonial affairs, but he could not agree with the preamble of it, which contained a slur upon the unfortunate Canadians, and branded them in very harsh terms, when, by a series of acts of misgovernment, and of vacillation and imbecility on the part of the Government, they had been at last driven to a state of open revolt. He was ready to admit, that their conduct had been rash and imprudent; but they had been deluded, perhaps, and he could not but remember that if they had succeeded, as the Americans had succeeded, they would, like the Americans, have been held up to the admiration of the world as patriots. He could not, therefore, consent to brand them with harsh and ignominious epithets because they had failed. He was sorry that the revolt had taken place; but whatever might be the result of the motion or of the amendment, one good at least would have been effected by the debate, and that was that the attention of the country would have been called to the subject of our vast colonial empire, to consider the difficulties which surrounded its government, and to induce the people to insist that the affairs of the colonial department should be better administered in future. If the House would look calmly and dispassionately at the subject, without reference to any party feeling, they would see that at no distant period the country would be grateful to the hon. Member for Leeds for having called their attention to a matter which, though important, was not at present looked at with much interest.

Mr. *Hobhouse* was understood to say that he trusted that the House would extend its indulgence to him while he addressed some observations to it. He could not vote for either the original motion or the amendment. The substantive matter of the motion, as well as the amendment, was directed against the noble Lord, the Secretary for the Colonies—a man who, for several years, had devoted all his exertions and talents to the public service. It had been said an attack would be made on the noble Lord at the head of the Foreign Department; but there was a good reason why this course was not taken. The head of the latter department was in that House; while the noble Lord at the head of the Colonial Office was not there to defend himself, but it was supposed that his defence must be left to the subordinate members of the department. The noble Lord, the Secretary for Foreign Affairs, however, had at once come forward to the defence of his noble colleague, and when hon. Gentlemen opposite appeared disposed to censure that noble Lord for doing so, he (Mr. Hobhouse) felt disposed to retaliate the charge against them for bringing forward accusations in the present shape against one whom hey knew could not be present to defend himself. They had been told, that there was no material difference whether the Treasury benches were occupied by hon. Gentlemen opposite or by those who at present filled them. There appeared, however, to him a most material difference between the measures, the spirit, and policy which governed the actions of Gentlemen on that, and hon. Members on the other, side of the House. It might be that they were agreed on some things which were of comparatively minor importance; but on all great questions there was a wide ground of distinction between them. It might be said, that many on his side of the House objected to any further immediate change in the constitution of Parliament; but he would ask had they ever shown themselves to be the supporters and advocates of a system of misgovernment in Ireland? Had they ever endeavoured to counteract the progress of civil and religious liberty either in this country or Ireland. He was not surprised that his hon. Friend, the Member for Westminster, had avoided the constitutional part of the question; and there might have been a better reason for his silence than the fear of tiring the House. It had been affirmed that Ministers backed by Parliament, were first guilty of an infringement of the constitution, in overruling the right of the Canadians to control their supplies; and the analogy of the British constitution had been confidently appealed to as an authority. Now, it could not be denied that the control over the purse in this country was retained by the Commons not merely to prevent maladministration of the finances, but for the purpose of supporting public liberty. In the best times of our history it had been so applied. But if hon. Gentlemen would take the benefit of the analogy, they must also submit to its inconveniences. Admitting what was very questionable, that a parity of reasoning could be applied to the different conditions of a colony and a mother country, the rights of the former could not, at any rate, exceed those of the latter. Now, what was the extent of our right? It was employed to influence the other branches of our own Legislature, to win advantages from the Crown and the Lords. In like manner the Canadian right must be restricted as a means of influencing the operations of the other branches of their own legislature, those of the governor and Legislative Council. But the Canadians had acted in a widely different manner. The provincial legislature was restrained in express terms by the act of 1791 from changing itself. The condition of changing the legislative council before the grant of supplies, was, therefore, used against a separate and distinct Parliament, that of our own country, not against different branches of a concurrent authority, as sanctioned by English usage. He hoped Gentlemen would not forget when they declaimed against the exercise of a power towards Canada which in our own case they would not permit, that the parity of reasoning was against them, and that the Canadians were the first to transgress constitutional rights. He differed entirely from the spirit, measures, and policy of the Gentlemen opposite, nor could he see the force of the objections urged last night by the noble Lord, the Member for Liverpool. It had been alleged that Ministers were not prompt in sending troops. If the hon. Gentlemen opposite had been in power, he doubted not their readiness to draw the sword. They had shown such a disposition much too often, as was proved by the history of their disastrous sway. But for his own part, he admired forbearance, and viewed needless bloodshed with horror. The hon. Member who had spoken last in yesterday's debate had plainly shown that the first demand for troops was in September last, and had they been at once dispatched, they must have been landed on the island of Anticosti. But he would draw the attention of the noble Lord to the war of American independence. Soldiers were planted by order of General Gates about Boston, and a squadron of ships commanded the town after the new duties were imposed. And what was the consequence? Violent disputes occurred between the Governor and Assembly, and at length a collision between the soldiers and citizens having broken out, it was deemed expedient to remove the military power from the town. Thus a too hasty display of force created the evils which it was meant to prevent. He might also add, that it afforded a pretext to the patriots against the Government. As to the charge of unsteady and fluctuating counsels, it was unfortunate for the argument of hon. Gentlemen opposite, that the meetings and disturbances occurred on the arrival in Canada, of the resolutions of last year, which were at least sufficiently explicit. And yet they were told, that the rebellion was caused by their refusal to speak out manfully and distinctly declare what they would grant, and what they would withhold. For his own part he thought the collision could not have been longer avoided, and he could not but praise the moderation which was exercised so long. All means were, in his opinion, to be preferred to force, and it was well to wait till the latest moment. He had hoped at the commencement of this Session that party heats and contentions would yield to the public good. If that House were to be the theatre of acrimonious disputes, let them be reserved for a better occasion than when the integrity of the empire was threatened. He foresaw nothing but danger from distracted councils. Amendments had been introduced into the bill for suspending the constitution of Canada at the instigation of a right hon. Baronet. He was independent of Government, and approved that concession. He thought the benefit of unanimity, or as near an approach to it as possible, would give weight to their councils, and ought not to be despised. But when Gentlemen opposite made a bad use of concession, and hoped to obtrude themselves into power, he was glad to see them resisted. The civil war was for the present at an end in Canada, but the seeds of discontent, perhaps, remained. It was because he thought the address of the noble Lord would give heart and hope to the rebels, by flattering them with the prospect of schism, that he should oppose it. He would, in conclusion, recite for the benefit of the hon. Gentlemen opposite, what was said by an able writer of better men than themselves, of the first William Pitt and of Lord Camden: "Their declarations gave spirit and argument to the colonies, and while, perhaps, they meant no more than the ruin of a Minister, they, in effect, divided one-half of the empire from the other."

Mr. *Warburton* regretted many of the observations that had fallen from his hon. Friends, the Members for Leeds and Westminster. He could not give his support to the original motion of his hon. Friend, and still less to the amendment proposed by the noble Lord opposite. He regretted that his hon. Friend, in the censure he had passed on the general system of colonial government, had pursued such a course as to mix up with it matters which were nothing more nor less than party politics. He regretted, that his hon. Friend had dwelt altogether on the alleged defects of an individual, instead of directing his argument against the system. When Mr. Burke wished to call the attention of Parliament to his scheme of financial reform, he did not commence by criminating any particular individual, or by mixing up party politics with his plan of reform; he pointed out the defects of the existing system, and endeavoured to induce that House to adopt an improved system. He agreed that there were many glaring defects in the administration of several of our principal colonies, but if he wished to lead the House to adopt an improved plan of government, and to abandon a system which was open to such well-founded attacks, he would not commence with criminating a Minister in order to induce a large party in that House to vote with him. He, therefore, could not agree in the course taken by his hon. Friend, who generally acted with those with whom he voted, namely, what was called the Radical party, who should not have brought forward the subject, inviting, as it did, an attack on the system, as if it had been a party motion. On this ground he should feel it to be his duty to vote against the motion of his hon. Friend. His hon. Friend had also ascribed to him the opinion that this country ought to have no colonies at all, and ought to get rid of her colonies; on the contrary, he had repeatedly dwelt on the advantages that would accrue to this country from converting the waste lands in the colonies into cultivated tracts by means of our surplus population, and which might be allowed to send their raw produce to this country, and receive in exchange manufactured goods; by this means mutual advantage would be derived to both mother country and colonies. He had, however, always entertained the opinion that it was impossible, when the colonies grew in strength and became powerful, to treat them as children, but that their government must be left, as much as possible, to themselves. With respect to the amendment of the noble Lord, the Member for Liverpool, he felt bound to observe that he would not give it his support. In the first part of the resolution of the noble Lord, he found a very close approximation to the resolutions introduced to the House by the noble Lord, the Secretary for the Home Department. All that was affirmed in the latter resolution condemnatory of the Canadians, was contained in the amendment of the noble Lord opposite. The only difference between them was, that the noble Lord found fault with the manner in which these resolutions were carried out. How, then, could he who had resisted these resolutions, who had said that the Canadians had not been treated in a way in which colonists should be treated when they came to a state of maturity, support the amendment of the noble Lord? It was on these grounds, that he felt called upon to oppose the original motion, and also the amendment.

Mr. *Litton* would not have presumed to trespass on the attention of the House if it had not been for the assertion made by the noble Lord, the Secretary of State for Foreign Affairs, who opened the debate on behalf of the Government, and by the hon. Member for Marylebone, with respect to the state of Ireland. He thought that as an Irish Member, he should not be doing his duty if he did not protest against that statement, and if he suffered it to pass uncontradicted, and to go forth to Englishmen. It had been stated by this noble Lord and this hon. Gentleman—first, that Ireland was now in a tranquil state, and next, that that tranquillity was owing to the present Government, and would be likely to be destroyed by the coming in of a Conservative Government. He wholly denied the state of Ireland deserved the epithet of tranquil—he wholly denied it was in a state to justify that description. On the contrary, he thought wherever the law was sought to be enforced, it had been met with resistance and violence, and that it was only where combination and force had been yielded to by compulsion, that the districts in Ireland were tranquil. He admitted there was a certain portion of Ireland where the rights of the landlord, and rights of the clergy, and the rights of the voter, to exercise their just privileges, had been successfully put down; he admitted, that fears and terror, and threats had had the effect of preventing the landlord from exercising his fair prerogative over his tenant, of preventing the clergyman from insisting on his due rights, and of preventing the voter from exercising the fair privilege of his elective franchise —where that had been successful, and where the fear and terror of injury to life and property had prevented the exercise of their just rights. If that were to be called tranquillity he admitted that those districts were tranquil. But he did assert with a confidence which an intimate knowledge of the fact enabled him to assume that wheresoever the landlord in the southern and western parts of Ireland sought to exercise his rights as between himself and his tenant—where for one tenant he presumed to substitute another —that both the life and property of the landlord and of the substituted tenant were made the subject of attack. He asserted that where the clergy insisted on their rights they were met by attacks, by bloodshed, and assassination; and he also asserted there were many cases where the voters, exercising their fair privilege of voting, had been the subject of animadversion, of threat, of terror, of annoyance, and of actual injury. If that were so, could the country in which those things existed be called tranquil? Was it to be said that Ireland was tranquil, when, if a man but exercised his vote, as was done by Mr. Guinnes, one of the first and most liberal merchants of Dublin—a gentleman who had ever supported liberal principles

—who supported the Catholic claims—and who was at one time looked to as the candidate on the liberal interest; was it to be said, that when he exercised his fair right of voting against the sitting Members for Dublin, his property was to be attacked in open day, and a combination to be entered into to deprive him of his business? And yet this had been so. He should certainly not enter upon the subject, which to a certain extent might be called a collateral one, into minute facts; but it was perfectly well known that if terror and threat were yielded to, there was peace. But if the rights of property were insisted upon, there was nothing but threats and terror with loss of property and loss of life. It had been said, that the present Government of Ireland had pursued a policy tending to tranquillise that unhappy country. To that proposition also he gave a direct contradiction. Their partial conduct had brought on them the greatest possible obloquy. They were considered to be in the power, and under the direction of, one set of men, or rather of one man of strong political bias, so that all they did appeared to be done under his direction. There was, consequently, not protection for life and property of one particular class of her Majesty's subjects in that country, and he attributed to the vacillating way in which the affairs of that country were administered, and to the fact of the Government of that country yielding to the dictation of one man, and the want of power in itself to take any bold step, the evils which Ireland laboured under. It was asked, would the substitution of a Conservative Government remedy those evils? It was brought in upon this debate as one of the elements of the case, to induce Members on both sides of the House to refuse their support to the noble Lord's amendment, because, however deserving of censure her Majesty's Ministers might be, a vote of censure being passed upon them might shake their Government, and cause a Conservative Government to be substituted in Ireland in lieu of them. He believed it would be for the benefit of Ireland that the Government of that country should be changed. What benefit had the Government of Ireland conferred upon the 99-100ths of the people of Ireland? Political aspirants had obtained places—posts of honour and profit conferred—but had the condition of the lower classes been improved? Had they been in any way benefited by the present Government? On the contrary, had they not been brought into the arena of political dispute? Had not their small earnings been lessened to supply the exigencies of those, who, for their own selfish purposes had made them their tools and slaves? A Conservative Government would confer great benefits upon Ireland. A Conservative Government would disdain to be dictated to by any set of men; but would do justice to all classes of her Majesty's subjects. And he thought that it would be fortunate for the country if the result of the present motion was to substitute for the present Ministry, a faithful, bold, and manly Government in Ireland.

Mr. *Dunlop* would not follow the hon. Gentleman into the debate on the state of Ireland, which had nothing to do with the subject before the House. The House was already pledged by many divisions to the general policy of Government, and he did not think that they would at once transfer their confidence to a Government which would pursue a directly opposite course to that which they now approved of. In reference to Canada, at the period of the outbreak, it was well known that up to that period no cause had existed to justify Government in sending out more troops. A noble Lord had last night said that care should have been taken to provide such a number of regular troops as to render unnecessary the employment of the militia and volunteers; but the very circumstances of the employment of these militia and volunteers showed that Government considered, that the maintenance of the constitution and of the laws of the land were best intrusted to the deeply-rooted feeling of a people who knew that the constitution under which they lived was the constitution best calculated to promote their happiness and prosperity. It was the great principle of the present Government that the strength of the Throne was most firmly based in the affections of the people, and it was because he wished to retain in office a Ministry holding such principles that he must oppose both the motion of the hon. Baronet and the amendment of the noble Lord.

Sir *F. Trench* entirely differed from the hon. Gentleman who had just spoken, relative to the propriety of employing volunteers in putting down a revolt or insurrection. That was always much better effected by the regular troops. Allusion had been made in the course of the debate to the state of Ireland, and he could not help expressing surprise at what had fallen from the noble Secretary for the Foreign Department, who was pleased in a sneering manner to ask, admitting a Conservative Government could settle the affairs of Canada, what could they do with Ireland? The only inference to be drawn from that question was, that the noble Lord, his colleagues, and those under whose orders they acted, had put Ireland in such a situation that none could govern but themselves—a circumstance more condemnatory of their policy, and carrying more censure upon their administration of affairs, than any which had yet been mentioned. If Ireland were in a situation difficult to be governed, it was entirely owing to the system which had been pursued or sanctioned by the Government. The law had not been impartially administered, and violence of every sort was openly encouraged. What proof had they given of their capacity for governing? What a shame, for instance, it was, that they had selected for a high office a person who in that very House had ventured to make a speech encouraging the Catholics of Ireland to assassinate the Protestant ecclesiastics in Ireland. It was the Queen's Attorney-General who had made such a speech.

The *Speaker:* Does the hon. Member really mean to impute any such motives as those to any hon. Member of this House?

Sir *F. Trench* said, he had not imputed such motives to the hon. and learned Gentleman. What he said was, that the tendency of the speech of the hon. and learned Gentleman was to encourage the Catholics of Ireland to assassinate the Protestant clergymen; for what said the hon. and learned Gentleman in the speech to which he alluded? He talked of having lately visited Ireland, where he found a generous and hospitable people; and then he reverted to Scotland, where, as he said, the people wore long swords and knew how to use them; and went on to say, that the murder of Archbishop Sharpe had not been considered a murder, because he was a dignified prelate of a church hostile to the feelings and habits of the people. The people of Ireland were a high-minded and enthusiastic but ignorant race, and living as they did under a religious dispensation which taught them that their priest could give them absolution for any offence they might commit, they might easily be misled. Ireland was said to be in a state of tranquillity and good order, whereas, *The Hue and Cry* of the 24th of last month contained a list of not fewer than twenty-one murders which had been committed in that peaceful and orderly country.

Mr. *Dillon Browne* would not follow the discursive speech of the hon. Gentleman who had just sat down, which, if the House had seen in print, they might suppose that the *Hue and Cry* had fallen into their hands instead of a report on a colonial debate; but he claimed the attention of the House for a few moments to state the reasons which induced him to vote on the present occasion, and to separate himself on that night from those with whom he was in the habit of acting; he would not vote for the amendment of the noble Lord the Member for Liverpool, nor for the original motion of his hon. Friend, for however, they might differ in terms, they were substantially the same—they both had one object, at least they would have one tendency, to dissolve the present administration; this he was unwilling to do during the present state of parties; for though he was not particularly attached to the present Government, he was unwilling that it should be removed until it could be replaced by one of more liberal opinions, and more purely representing the wishes of the people. He did not consider that the motion before the House alluded solely to the colonies, after the declaration of the noble Lord, stating that on its fate depended the existence of the Ministry. It had assumed quite a different complexion. He could not express his decided disapprobation of our whole colonial policy, he must confess he was not sufficiently informed upon the vast and important matters involving such a range of territory, but, with respect to Canada, he had carefully examined its history since 1791—he had perused the different debates relating to it in that and the other House of Parliament—he had read the different petitions presented from that country—he had patiently, although with a feeble judgment, endeavoured to probe the causes of complaint—and he must declare that the conduct pursued by the parent country with respect to that colony was unjust and indefensible. The conduct of her Majesty's Government was particularly improvident and despotic. In the last Session of Parliament they adopted resolutions which, instead of allaying the excitement, quickened the fires of disaffection, and matured that revolution which terminated in disastrous consequences. And, in this Session of Parliament, they acted in a manner repugnant to public liberty, and established a dangerous precedent in suspending the constitution of the country, when they could have restored order by the exercise of the ordinary powers of the Crown. However, whatever might have been his opinions with respect to Canada, he would not support the motion of the hon. Baronet. Under any view under which he considered it, it met his decided disapprobation. As a censure upon an individual who belonged to a party who were, in a body, responsible for his acts, he could not, with any degree of generosity, support it. It was un-English, at least it ought to be so, to punish the weaker party, and grant an immunity to the stronger, for it should be considered he was only a Member of a Cabinet, the aggregate of whose opinions directed the whole councils of the state. Neither could he vote for his motion if its object was to unseat her Majesty's Ministry. If a better or more Radical Administration could be found, he would grant him his most cordial support; but, under the existing constitution of the Commons, he considered that if the hon. Member succeeded, he would be placed in a most ludicrous position; for, supposing they were dispossessed of office, and the Tories had succeeded them, what should be, considering the political opinions of the hon. Baronet, his next effort? Why, to try to turn the Tories out again. Now, he would ask, was this wise—was it prudent—was it common sense? He heard such conduct aptly illustrated elsewhere:—

"I hear a lion in the lobby roar;
Pray, Mr. Speaker, shall I bar the door?
Or rather shall I let the lion in,
That we may try to turn him out again."

But perhaps they could not dislodge the lion. The moral influence of the country would do so in time, but what mischief might not be effected. That party, if once admitted, possessed dexterity and wiles sufficient, by the exercise of those seductive means, to which it was plain from the history of this country, British legislators have not been insensible, to procure what is now called, in Parliamentary parlance, a good working majority; and with a majority in this House, and a powerful one in the next, might they not creep into the constitution of the country, and perhaps crush altogether the machinery of reform? The Tories of the present day were the Tories of the olden time—though they did not possess the power, they inherited all the craft of their ancestors—though the world of Conservatism no longer gave birth to the strength of the oak, the poisonous weed would be ever indigenous of its soil. He disapproved of the present Ministry, but he was not so possessed of the mania of political knight errantry as not to wish to remain in a bad position rather than be driven back into a worse.

Mr. *Tancred* said, he should oppose both the motion and the amendment. He could not but think the motion against Lord Glenelg a most invidious proceeding, distinguished as he was in the highest degree alike for his mental and moral character. He contended that, even if the Government had erred in its policy towards the Canadas, it had erred from the beneficent intention of doing good. He must say, that there had been a fundamental error committed in our original policy towards that province; and that was, in permitting them to retain their own laws and their own language. The consequence had been, that the French Canadians had remained a distinct nation. They had remained stationary, whilst the settlers of British race had been constantly progressing. He believed, that it was on that very account that the French Canadians wished for separation. They found themselves out-stripped by the settlers of British descent, and therefore they wished to deprive their British brethren of that ascendancy to which they were entitled from their superiority of mind and energy. The French Canadians were described by every person who had had communication with them, as a race of men singularly kind and courteous; but they were also described by all travellers with the same unanimity, as a race of men so lamentably ignorant and prejudiced that their very religion had degenerated into the grossest superstition. He was informed upon good authority, that it was not on account of any attachment which they felt to an elective council that they were disaffected to this country, but because they wished to have their country restored to its former situation as a French colony. It was impossible to deny, that there had been gross abuses in the government of our colonies, and especially that of the Canadas. Even the noble Member for North Lancashire had admitted, that the seeds of discontent had been planted in the Canadas by former Governments; and unfortunately those seeds had fructified to a most deplorable extent. Up to the year 1828, as was proved by the evidence of Mr. Ellice, and other most unimpeachable witnesses, those discontents had continued unredressed; but since that time a very different course had been pursued by the different administrations which had directed the affairs of this country; our conduct towards the Canadas had been parental, and the abuses of which they complained had in all instances been partially, and in most instances had been entirely, removed. The object of the French Canadians in striving to obtain an elective Legislative Council, was not so much to obtain a mere speculative object as to obtain a complete command over both the deliberative assemblies of the province. As the right of suffrage on which the House of Assembly was elected was territorial, and as the land of Canada was principally in the possession of the French Canadians, they fancied that if they could get both chambers elected upon the same right of suffrage, they would be enabled to continue *ad libitum* the ascendancy in both chambers which they enjoyed at present in the House of Assembly. The census of 1831, showed the proportion existing at present between the English and French population of Canada. The English settlers were certainly the minority, but they possessed all the energy and all the capital of the province. They insisted, as they could not get into the House of Assembly, that they should have influence in the other chamber, the Legislative Council, if not by election, at least by nomination. The French Canadians, however, insisted that the Legislative Council, as the House of Assembly, should be elective. This was resisted by the Government at home; and the consequence was, that the House of Assembly, in which the French Canadians were predominant, refused the supplies. The noble Lord, the Member for North Lancashire, had said, that the vacillation and irresolution of her Majesty's Ministers were proved by the fact, that on the 6th of last March, Lord Glenelg had offered to Lord Gosford additional troops to intimidate the disaffected in Lower Canada, and that on the 27th of the same month, he had, in another despatch, refused to send them. Now, on a careful perusal of the papers laid upon the table, he could not find that any suggestion had been made to the Government at home by the military authorities of Canada that there was a want of troops in the colony to support the authority of her Majesty. The suggestion of sending troops out to Canada was the suggestion of the Government at home, not of Lord Gosford; and if it afterwards appeared that that suggestion was unnecessary, there was no blame to Lord Glenelg for having subsequently refused to act upon it. But it had been said, that the irresolution of Lord Glenelg at home had given confidence to the discontented in Canada. That, however, could not have been the case, inasmuch as that irresolution, if they pleased so to call it, had never been known to the public until Lord Glenelg's despatches were recently published. He contended, that during the late commotions it had been of powerful avail to us in the United States of America, that we had displayed such an abstinence from all measures of force, and had shown such a spirit of concession to the colonists. Under these circumstances he could not assert that any evil had arisen from the policy pursued by Lord Glenelg. On the contrary, he considered it to have been humane, wise, and successful, and he should therefore vote both against the original motion and the amendment of the noble Lord.

Mr. *Rich* contended, that the question which was at the bottom of the noble Lord's (Lord Sandon's) motion, and which was the real question at issue on the present occasion, was the substitution of a Tory for a Reform Government. Let the noble Lord declare what was the ground of his cut-and-dry amendment. The matter for their consideration was not the trumpery question of Canada—trumpery, because it had already been settled. Let not the noble Lord then open his masked battery under such a question as that. He would ask what principle prompted the motion; he would not say that its object was a dirty, mercenary, scramble for office. Suppose the hon. Gentlemen opposite accepted office, could they proceed a step without dissolving the Parliament, and when it was dissolved, how would they secure a majority? They calculated on the feuds and divisions which they expected would exist amongst the Liberal party. He believed that they reckoned without their host. He could assure them that the Tory principle expired in 1830. The Tory Government had been allowed a full opportunity to reform the abuses of which the people complained. There had been sixteen years of peace, and did they employ the time in effecting any of the numerous improvements that were demanded? In the year 1830 Toryism was in the highest state of perfection to which it could rise in this country. But what was the condition of the country itself? Was it not bordering on anarchy? Fires were raging in the rural districts; the lives and property of the King's subjects were in hourly peril; in short, there was a general prevalence of outrages that wore all the features of concentrated conspiracy, ripening into revolt. Hunt was then preaching sedition from the Rotunda, and Cobbett was exciting by his addresses, the lower class of agriculturists to open violence. The streets of the metropolis even were disturbed, and discontent was so great that one of the bravest hearts in this country advised the King not to appear in the streets of his capital six months after his accession. Such was the state of the country under the Tories. Contrast these events with what occurred some years after a contrary principle had been in operation. When her present Majesty went through the late ordeal, which the late King was counselled to avoid, was there any cry of disloyalty—was there the slightest obstruction? No; her gracious Majesty, attended on that occasion by her Ministers, was followed by the acclamations of the people, who, in every possible way, manifested their extreme delight at her appearing amongst them. How was this great change brought about? Was it by magic?—was it not by the Government acting on the important principle of conceding to the just demands of the people? But if such was the state of England, what was the state of Ireland? When the hon. Gentlemen opposite were in office there existed a certain association, which had arisen out of the grievances and the insults under which that country suffered, and which bid defiance to the law, and which no power of the Government, not then supported by public opinion, was able to put down. The repeal cry was then first raised, and a line of demarcation and exclusion, which was marked down by the bad policy of our ancestors, and had been preserved by the late Tory Administration, provoked a retaliation threatening nothing short of the dismemberment of the empire. The present state of Ireland he need not describe. He would next ask, what was the situation of our foreign affairs? About the period of the formation of the Reform Ministry, a distinguished Member of this House, now in another place, said that nothing short of a miracle could save the country from a war within six months. That miracle, however, was performed by a Government acting on the great principles of reform, retrenchment, and peace. As regarded the colonies, property was of 20 per cent less value in 1830 than it was at the present moment. The country now exhibited loyalty, obedience, and unanimity. He would ask, whether the state of England at present could be for an instant compared with its state in the year he had mentioned? This change had been wrought in the course of the seven years during which the Reform Government had existed. He had not forgotten, that for a short interval in that time the Tories held the reins of power, but they only succeeded in showing themselves incompetent to hold them to any useful purpose. He believed that that irruption of the Tories would not have taken place had it not been for the absence of the right hon. Baronet, who was in Rome. The right hon. Baronet had obtained a high reputation for the influence he exercised over his supporters, by which he succeeded in subduing their blind impetuosity, but it appeared that he was now disposed to risk the fame he had in this way acquired. He was not able to withstand the entreaties of his party any longer. The hon. Gentleman behind him insisted on pushing him forward—on launching him on a very troubled sea of experimental politics. The last elections had returned a majority to the House to defend the principles of Reform, but unhappily that majority was not sufficiently strong to put an end to the hopes of the hon. Gentlemen on the other side. The consequence was, that great eagerness was evinced by those hon. Gentlemen to obtain that which, when obtained, they would not be able to defend. They complained of the existence of agitation; but if they took office they must dissolve Parliament, and thus themselves would agitate the country from one end of it to the other. They seemed disposed to tag together any Administration that would bear the name, and then to trust to good luck, to the election, and to any occurrences that might divide the Liberal party in that House. He begged to remind them, that the Liberal party had been quite as much divided before as they were now; but when the question was whether they would have a Reform or a Tory Administration, they united for Reform, and carried the election with great spirit. If it were not for the evil consequences which might follow, he would almost wish to see the hon. Gentlemen once more in office, in order to prove to them how utterly incapable they were of maintaining their position. There had been taunts thrown out on the other side of the House on account of the divisions said to exist amongst the supporters of the Ministers; but what would be the complexion of the party the right hon. Baronet would have to lead? What would he do with the hon. Member for Oxford, who the other night presented a petition for the repeal of the Roman Catholic Emancipation Act. Then there was the Recorder of Dublin, who would move for the repeal of the Act for establishing a system of national education in Ireland, because it sanctioned, as the right hon. the Recorder said, the mutilation of the Scriptures—an act which was introduced by the noble Lord, the Member for North Lancashire (Lord Stanley). There was still behind the Poor-law Bill. How would the right hon. Baronet keep down the exuberant feelings of a number of persons who exclaimed against that measure at the elections as the most tyrannical and despotic law that ever disgraced a Christian country? How were those hon. Gentlemen to be disposed of who were returned on a pledge that they would support the repeal of the Poor-law Act? While all these differences were taking place in the Cabinet of the right hon. Baronet, what would become of the Canadian question? The party, the official party, which the Tory Administration patronised would, of course, triumph in the return of the old principle. He attributed these consequences to the right hon. Baronet's acceptance of office, because it was not possible, seeing what were the materials at his command, that he could take office without a resumption of the old course of policy. It was to be remembered, the voice of Ireland had declared itself as four to one in favour of the present Government. For the last two years, Ireland had enjoyed some repose; but let the present amendment be carried, and they dashed the cup of hope for ever from her lips, and they drove the people of Ireland mad; their's, he was sure, would not be the madness that rushed into sudden outrage and violent rebellion, but it would be the sullen madness of revengeful feeling, arising from wrongs unredressed and rights withheld, and which might at length seek its ruin in separation, and in its own destruction also consummate that of England. In spite of all the obstacles that were opposed to them, there would be found in that House a faithful band of Reformers, who would resist the union now projected, and would prevent hon. Gentlemen opposite from being led away by that evil influence which was now bringing mischief upon themselves, and that was sure eventually to be most mischievous to Ireland. It might, however, happen, that upon that side of the House there were some who were more fond of their own crotchets than of what was truly and practically good; but such he hoped would learn a lesson that night from the example that was about to be afforded to them by Reformers as sincere and at least as disinterested as themselves, and that the result would be, that when those hon. Members reflected on the course they had pursued they never again would intentionally injure a cause which they professed to support. The coming division, he was happy to think, would show to the country what was at the bottom of the hearts of the Conservatives—that they preached moderation, and that they practised agitation. They would show themselves to the world as men who, without having any rational hope of the retention of office, were yet ready to drive the country into a series of dissolutions and of constant changes of Government; for the Conservatives could not, and they dare not deny, that by carrying this amendment they would involve in it a dissolution of that House. Nor could the motley majority (by which the amendment might be carried) from the hottest Orangeman down to the coolest waverer, doubt that the object of the Conservatives was to resist reform, to defy Ireland, and to govern England and her dependent millions in that spirit of policy over which the ghost of Old Sarum and the weathercock of Westminster should preside.

Mr. *Praed* said, that the hon. Member had commenced his speech with the oft-told tale, that he would trespass very shortly upon the attention of the House—as to how the hon. Gentleman had kept his word he would leave to the sense of the House to determine. In the wide and discursive range which the hon. Member had taken he had referred to many subjects. He had quoted from the speeches of Mr. Hunt, and had talked of the King's visit to the City, and of the visit of the right hon. Baronet to Rome; and, furthermore, the hon. Gentleman had touched upon every topic connected with the foreign and domestic policy of the country for the last seven years. The hon. Gentleman had commenced his speech by an allusion to what had taken place in the former part of the debate, and he had characterised the amendment of his noble Friend as "a cut-and-dry" amendment. With a very lavish exercise of his powers the hon. Gentleman poured out upon this point a flood of ridicule. Why, then, was there anything very extraordinary that upon a question, notice of which had been for a considerable time before the House—upon a question which had been much canvassed and considered, and which had excited considerable attention—was it indeed to say extraordinary, that upon a question of this kind his noble Friend should have thought fit to prepare an amendment calculated to meet the views which he entertained with respect to the course that ought to be taken on that occasion? For his part, he entertained so much toleration for "cut-and-dry" amendments that he was ready to go the dangerous length of extending that toleration to "cut-and-dry" speeches. He was anxious to avail himself of the present opportunity to state his reasons for the course which he intended to take on the present occasion. When he first saw the motion of the hon. Baronet, the Member for Leeds, as it stood on the paper, he certainly felt, that however he might differ from the views of the hon. Baronet, there was nothing in the terms of the motion from which he could dissent. He came down to the House expecting to find, that there might be much from which he should differ in the speech with which the hon. Baronet would introduce the motion. However, he was willing to admit, that he agreed in much of the speech of the hon. Baronet, who had shown much research and much valuable information with respect to the state of our colonies, and had stated nothing with which it was necessary to cavil. The noble Lord (Lord Palmerston) had asked was it fair for the hon. Baronet to go over the state of all our colonies, to describe all the evils that existed throughout them, and to charge the existence of all those evils upon the noble Lord at the head of the Colonial Department? But this was not a fair view of the course taken by the hon. Baronet, for he had gone over the state of these colonies, not to charge the existence of the present evils on the Secretary for Foreign Affairs, but, having shown the importance of those interests, to call the attention of the House to the necessity that those interests should not be intrusted to the hands of a Minister whose incapacity on other grounds had been fully proved. The hon. Member for Bridport had accused the hon. Member for Leeds with making an attack upon the colonial system generally the groundwork of an attack upon an individual; but that was not the case. The hon. Baronet had said, that the system was bad, but that what he had at present to do with was the danger of continuing the administration of these important interests in incapable hands. He did not ask the House to change the system, but to remove the Minister, and if afterwards the system called for change, that change might be made; but the object of the hon. Baronet's motion was the removal of the Minister. He wished now to state that though the hon. Baronet had been found fault with for having referred to other colonies besides Canada, yet the answer which had been given by the noble Lord opposite had not been so conclusive as he seemed to consider it. With respect, for example, to New South Wales. Though the state of that colony required alteration, and though there was every reason to expect that some measure would be proposed with respect to that colony, yet a pen had not been put to paper with a view to that object. He was prepared to state that a bill had been some time ago offered for this purpose to the Colonial-office, and one of the individuals by whom the bill was prepared was a Member of that House, and it was not until the day before this motion was to come forward that an answer had been sent from the Colonial-office stating that this bill was approved of. Now he thought that this was a point, in respect to this colony, on which the Colonial Minister was very much to blame. He did not feel such strong objection to the motion of the hon. Baronet, on the ground of personality, as did some hon. Members, in whose opinion he was in the habit of placing confidence. The motion was not, in fact, so much directed against the conduct of a particular individual as against the incapacity of an entire political party. When the motion against Lord Sandwich was made by Mr. Fox there was no complaint of personality. The Lord Morpeth of that day, called it by its right name—an attack on the administration. He did not say anything about personal motives; but in the present case, the motion being directed against Lord Glenelg, and not against the Cabinet, he thought the fairest mode—that which would put the case upon its true footing—would be to vote for the amendment of his noble Friend, the Member of Liverpool. Another ground he had for supporting the amendment was, that it was more explanatory than the original motion; it stated to the House fully the grounds on which he felt disposed to censure the policy of the Colonial Government; and it did not leave any misapprehension with the House or the country, nor exclude any individual who deserved to be inculpated. It was really surprising and most amusing to note the many remarks and conjectures which had been indulged in as to the object of the noble Lord who moved the amendment. They were told, for instance, that the Conservatives wished, with the assistance of some hon. Gentlemen opposite, to dispossess the noble Lord opposite and his colleagues of office. But the hon. Member for Bridport had fully answered that charge. He told them that there was that in the preamble of the amendment for which he could not vote. Did he suppose that they were blind to that circumstance? If he saw that it was impossible for him to vote for the preamble were not those who framed it equally clear-sighted? If their object had been, as was imputed, to catch the votes of Gentlemen opposite, would it not have been easy to smooth away the difficulty complained of by the hon. Member for Bridport? Instead of talking of putting down rebellion, could they not have talked of conciliating the colony? could they not, in fact, by a few smooth-sounding expressions, have caught those votes which, by the manner in which they had framed their amendment they had wilfully thrown off from their division? But their desire was not by any artifice to catch a stray vote from the other side, but to earn the support of those with whom they were always in the habit of acting in concert. He had been not a little surprised to hear the arguments by which some Gentlemen opposite had at former periods attempted to palliate the Canadian revolt supported last evening by a Member of her Majesty's Government. He thought that by this time the Canadian rebellion was admitted on all hands to have been totally unjustifiable, and had not the right hon. Gentleman who spoke last night—whose cue now was, not to attack the Radicals but the Conservatives—drawn largely upon the stores of history for facts to justify all the atrocities of Canadian rebellion? He neither agreed with the Radicals nor with the right hon. Gentleman who spoke last night—he did not think that by any party who held the reins of power had Canada been misgoverned to an extent to justify rebellion. What were the complaints of the Canadians? Did they complain of rights wrested from them—of laws trampled on? No, their complaint was of benefits not sufficiently numerous, and of promises held out of future advantages not sufficiently performed. This made a wide difference in the cause of discontent. And up to a very late period the supporters of the Canadians in this country held language very different to that now adopted. M. Papineau was not then, as now, cited as an authority. He could cite an authority at least as good—he meant Mr. Roebuck. He would first premise that it was admitted on all hands that up to 1828 the policy pursued by this country towards Canada had been one of conciliation. Mr. Roebuck dates it 1822, but even that left but a very short period for the gross misgovernment alluded to by the right hon. Gentleman opposite. In 1823 Mr. Roebuck, who was not then the pensioned advocate of the Canadian Assembly, but an independent individual, expressed his opinion of our Canadian policy in a pamphlet on the subject of an union between the two provinces. He said—

> "The wisdom of a government is marked by the happiness of its subjects. Where, in the place of tyranny, there is an equal distribution of law—where, in the place of poverty, plenty equally diffused—the people cannot be said to be unhappy, nor the government oppressive. Such is the present situation of Canada."

Mr. Roebuck proceeded to discuss the situation of Canada previous to its connexion with this country; he says—

> "When, by the fortune of war, and by the political schemes of Europe, this province became subject to England, its situation could not entitle it to be the envied country it now is. Groaning beneath the iron scourge of military despotism, and the no less rigorous, though less palpable, dominion of the church, she seemed doomed for ever to the oppressive burthens of bigotry and rapine. From this state England rescued us; broke these bonds asunder, and annihilated, at once and for ever, this system of oppression; for the lawless dominion of a military commander she gave us the mild and regular administration of her own laws, and for the capricious dictates of the grand monarque, her own unrivalled Constitution."

He would read one more passage from the pamphlet of Mr. Roebuck, which would bring that gentleman's opinion of our Canadian policy down to the period at which he was writing. He said—

> "A glance at our history for some years past will enable us better to understand our present situation. By it we shall see the generosity of England towards us; how each act of beneficence rose one above the other, showing at once the noble spirit of the mother country, and the high estimation in which she held those distant colonies."

He agreed with Mr. Roebuck. He thought no Government had been very bad, but he thought that the Whigs had been guilty of gross misgovernment. In his judgment, the evils of which Canada complained were of much more recent date than was usually supposed. He thought they were dated from no more distant period than that which had been alluded to in the course of this debate, and he thought that the crisis by which they had been followed might have been foreseen much earlier than it had been by the colonial administration. He agreed with the hon. Baronet who addressed the House at a late period last evening, that it was unfair to impute all the evils of Canada to the misgovernment of Lord Glenelg. He believed that before that noble Lord's administration commenced, the designs of the disaffected had become so matured that nothing could prevent a crisis. It was impossible to refer to the evidence and proceedings of the Committee without being of that opinion; but that was the ground of complaint. The crisis being inevitable, why take no steps to meet it? Why was rebellion, long foreknown, allowed to break out without any means being provided to quell it? They had heard a great deal of the individual irresponsibility of Lord Glenelg; but was he not responsible for the conduct of his servant? What was the conduct which his Governor (Lord Gosford) exhibited? Every one of his letters afforded proofs of the justice of the charges contained in the amendment. Lord Gosford went out to Canada with the knowledge that the Home Government was prepared to sanction alterations to a considerable extent in the constitution of the Legislative Council. The state of the Legislative Council was the principal grievance of the Canadians, and the remedy hoped for was a re-modelling of that Council. The attempt might have failed—he believed it would have failed; but why was not the attempt made? Lord Gosford writes on the 8th March—"I send the names of such as I think qualified for seats in the Legislative Council." And three months afterwards he complains of the difficulty of finding names. If he found such difficulty in getting names he could not be said to have contributed much to the radiance of that gem which the noble Lord pointed to as the brightest in his policy. Lord Gosford proceeded to write that "He apprehended nothing in the shape of a general commotion—no disorder;" although he knew that at the time the constitution of the colony was about to be virtually suspended, and that the designs of the disaffected were about to be ratified by the election of their warmest partisans and advocates. Lord Gosford proceeded, on the 25th of March, to use a suggestion which he (Mr. Praed) wondered did not convey to the mind of the noble Secretary some idea of the dangerous state of the colony. He said:—"The taking of money from the public chest is so strongly disapproved of, that even the most loyal cannot refrain from expressing their disapprobation." Here was evidence of the disapproval even of the loyal, and still no remedy was applied. On the 10th of June Lord Gosford spoke of the organisation going on, and intimated that he began to think there was a necessity for prompt measures. What were the prompt measures he contemplated? Increasing his forces—getting out more soldiers? No such thing. His prompt measure was the issuing of a proclamation. That was the only measure he thought necessary, and five days afterwards he writes to Sir Colin Campbell requesting one regiment. Surely this sending for troops was some symptom of disaffection; and still, on the 4th of July, his Lordship thought there were no grounds for serious apprehension, as from information he had received he had reason to think his proclamation had proved effectual, for since that time two meetings had taken place, and passed off quietly. However, very shortly after came a demonstration which he thought ought to have made Lord Gosford alter his opinion. This was the address of the Colonial Assembly, not of a meeting like the mob meetings of this country, but of the organised representatives of the people addressing the representative of the Government. They proceeded to complain of the unconstitutional measures suggested by the Royal Commissioners and told Lord Gosford that the connection with the mother country must for the future depend upon physical force. Lord Glenelg considered such conduct particularly satisfactory, So much for vacillation. Then as to the sending of troops. Lord Glenelg says he did not send troops because Lord Gosford did not ask for them, and that he thought it would not be prudent at that time to make any demonstration, lest it might give an excuse to the framers of the disturbances. What was the opinion of Lord Gosford as to the propriety of making a demonstration? Some time after, when he became alarmed, he suggested to the Home Government that it would be desirable to suspend the Habeas Corpus Act and establish martial law, saying, at the same time, that he need not put it in force, as the knowledge that he had the power would prevent the necessity for its exercise. According to this reasoning, the presence of a sufficient number of bayonets in Canada would have prevented the shedding of a single drop of blood. He had heard an argument used that night which astounded him exceedingly. The hon. Member for Rochester said that Government had acted wisely in refusing to send troops to Canada, as that the presence of the military in Boston had lost us America. There had been a small force in Lower Canada. Perhaps the hon. Member thought that it had caused the insurrection. Perhaps he thought that as

> "Our force was great because it was so small,
> 'Twould have been greater were it none at all."

Another fault he had to find with the Colonial Government was the manner in which its intentions were communicated to the Canadians. Was it right for Lord Gosford, with a knowledge that Government had no intention of granting an Elective Legislative Council, to use language of this nature—

> "There are still graver matters which have been made the grounds of petition to his Majesty, and respecting which the Commissioners are not precluded from entering into an inquiry. But it would be painful to speak here of dissensions between the two Legislative bodies whom I address, or to recapitulate the faults which have been found with the Constitution of either body by the other."

Was not that a vague instruction of an intention to open the Legislative Council? Whether Lord Gosford had used this language for the purpose of deception or conciliation no man could have deemed it right. It was for those reasons he condemned the conduct of the Colonial Administration—for this reason he would vote for the amendment of his noble Friend. He did not pretend to be blind to the probable consequences of this motion; but, at the same time, he denied that the object of its framers was such as had been asserted. The Conservatives were told that they were so drunk with recent victories that they wished now to go farther, and turn Ministers from their places. They wished no such thing. But they were called on to express an opinion on this subject, and they had only one of three courses to adopt. One was to give a direct negative to the proposition of the hon. Baronet opposite—this, holding the opinions they did, they could not do; the second was to vote a direct affirmative, which, although he agreed with every word contained in the resolution, would not sufficiently express his opinion of the conduct of the Colonial Government, and the third was to move an amendment like the present, putting their views into so distinct a form that it would be impossible to mistake them. And as he had heard so many threats and vaunts he would tell the House the course the Government would be obliged to take. They had been dared to reject the motion of the hon. Baronet, the Member for Leeds, and to take the sense of the House on the amendment. They would do no such thing. They would move that the words of the resolution should stand, and on that take a division. What would be the consequence? The Radicals, because they disputed the preamble of the amendment, would be compelled by the tactics of the Ministers to vote for it. The Conservatives had been taunted with seeking to catch the votes of the Radicals: but let the division be scrutinised, and it would soon be seen on which side the—he would not say disgraceful—but artful coalition was courted.

Sir *George Grey* wished, before he entered into the topics which had been referred to by the hon. Gentleman who had last spoken, to make one allusion to that motion, which had given occasion to the debate, and to the amendment of his noble Friend, the Member for Liverpool. The motion of the hon. Baronet, the Member for Leeds, was almost forgotten, though the noble Lord had taken the hon. Baronet under his patronage, and without, of course, any previous concert, or any design to win the hon. Baronet's support. The hon. Member for Aylesbury declared that he was willing to vote for the motion, wholly uncalled for, unjust and ungenerous as it was; and only refrained from doing so because he preferred the amendment of the noble Lord, the Member for Liverpool. He thought that he should do gross injustice to Lord Glenelg, under whom he had now the honour and the satisfaction of serving for the three last years, if he followed the hon. Baronet, the Member for Leeds, through the long course of his rambles all over the globe to find materials for attacking Lord Glenelg. The hon. Baronet had not only travelled over the whole globe, he had given several notices of his intended motion, as so many advertisements for the collection of grievances from all quarters to help him in making out his case, and assist him in impugning the conduct of Lord Glenelg. The hon. Baronet's signal failure afforded ample testimony that that conduct, arraigned as it was by an Opposition, formidable in numbers and in talent, and not over-scrupulous in their modes of attack, was such as to enable his noble Friend to treat all these imputations with scorn. On every point connected with the colonial policy of the Administration, he (Sir George Grey) would be willing to meet the hon. Baronet or the noble Lord, or both, on any motion they might choose to bring forward, whenever they pleased. He should be happy to give them every explanation on every point of colonial policy of which they disapproved. What had been the conduct of hon. Members opposite? They felt the weakness of the case which the hon. Baronet, the Member for Leeds, had made out, and, by way of assisting him, had raked up a story about private individuals doing the duty of his noble Friend, the Colonial Secretary. He thought he had a right to demand the authority which could be brought forward by the hon. Member for Aylesbury, to prove the truth of the assertion, that within these few days a draft of a Bill had been sent in to Lord Glenelg connected with the constitution of New South Wales by a gentleman who was utterly unconnected with that colony, and that Lord Glenelg had neglected the duty which devolved upon him, and suffered it to be performed by a gentleman utterly unconnected with the colony. This had been asserted by the hon. Member for Aylesbury in aid of the catalogue of offences charged by the hon. Baronet, the Member for Leeds, against his noble Friend. He utterly denied the truth of this statement. Very many similar statements had been made on various occasions, and, for anything he knew, the statement in question might have appeared in *The Morning Post* of that day. He did not wish to refer to the daily channels of calumny; he made it, in fact, an invariable rule to abstain from noticing them; but when such a charge was made by an hon. Member of that House in his place, he was bound to give it the most unequivocal denial. If this was all the assistance which the hon. Member for Aylesbury could bring to the hon. Baronet, the Member for Leeds, he did not think the hon. Baronet owed much gratitude to his new ally. He would only say with reference to this subject, that looking at the colony of New

South Wales, he would be fully prepared on a more fitting occasion, and when the House was disposed to attend to that remote colony, to show that the very great improvements that had been made in the Government of that colony had originated since the period of 1831, when Lord Ripon assumed the seals of the Colonial-office, and that the greatest possible improvements had been made with regard to emigration, with regard to the treatment of convicts, to education, and other important subjects, since his noble Friend (Lord Glenelg) had held the seals of office. Upon this subject he should be prepared on a fitting occasion to meet any charge that should be brought before the House. He would come, then, to the main question before the House, the motion of the hon. Baronet, an amendment to which he must say was brought forward without any justification. It had been alleged, indeed, by the noble Lord, the Member for Liverpool, that it was brought forward under a painful necessity. He thought that the noble Lord was embarrassed in bringing it forward, not so much from the pain he felt in bringing it forward, as from the difficulty which the noble Lord felt in tacking his amendment to the motion and speech of the hon. Baronet, the Member for Leeds. The noble Lord had said, truly, that he did not expect such a speech from the hon. Baronet, the Member for Leeds. He had seen the right hon. Baronet, the Member for Tamworth, and the right hon. Baronet, the Member for Pembroke, and the right hon. Gentleman, the Member for the University of Cambridge, and the hon. Gentleman, the Member for Newark, all, in anticipation of the motion and speech of the hon. Baronet, the Member for Leeds, loaded with papers relative to the affairs of Canada, and when the hon. Baronet, the Member for Leeds, concluding his speech with merely a passing allusion to Canada, and making a series of comments on the conduct of the Colonial Government when their party was in office, which was likely to excite rather unpleasant recollections, astonishment and disappointment were depicted in the countenances of hon. Gentlemen opposite, and it was some time before the noble Lord, the Member for Liverpool, could gather courage to rise and move his cut-and-dry amendment. As to the time at which this motion was brought forward, he agreed with his right hon. Friend, the Vice President of the Board of Trade, in thinking it a most extraordinary proceeding—after the affairs of Canada had been so often before the House—after her Majesty's Government had detailed their policy, and that policy had been approved of—and after the House, by a large majority, and as a mark of the greatest confidence, had placed extraordinary powers in their hands,—that an amendment should be made by hon. Gentlemen opposite, tending to remove that Government from office, and to claim for themselves that confidence which was implied in the exercise of those powers which the House had already confided to the present Government. It was not enough to say that on that occasion unanimity was so desirable that the House agreed, as the noble Lord, the Member for North Lancashire, had said, to repose in her Majesty's Government a generous confidence. The real fact was, as stated by his right hon. Friend, the political horizon was then dark and clouded, and a heavy responsibility would have rested on right hon. Gentlemen opposite before the Canada Bill had passed that House, and before the insurrection had been so quietly suppressed in Canada as it now appeared to be, if they had come forward at the time, and said that Government ought not to be intrusted with those powers. While the result of the insurrection was uncertain, the right hon. and hon. Gentlemen opposite hardly liked to say, "You have been a vacillating Ministry, unfit to govern, and we will take your places." That would have been a manly course of proceeding. But it appeared to him that it was not a Parliamentary course for hon. Gentlemen opposite to adopt the policy of the present Government, to concur in the address to the Throne, to pledge the House to take effective measures to remedy the evils that existed in Canada, to wait till they had the full details of the scheme which the Goverment intended to propose, and without in the slightest degree attempting to call in question the conduct of Government, with a view to their removal from office. The hon. and right hon. Gentlemen had prudently waited till the insurrection was at an end, and then they proposed a vote of censure to remove the Administration. This course must have been forced, he was sure, on the right hon. Baronet opposite (Sir R. Peel), because, pending the discussions on the Canada Bill, the right hon. Baronet had been invited to express his opinion of the policy pursued by the Government, and he declined. The right hon. Baronet, the Member for Tamworth, stated that he would not interfere with the responsibility attached to those measures; but now the right hon. Baronet felt a pressure, perhaps, from the other right hon. Baronet, the Member for Pembroke (Sir J. Graham), who had but lately taken his seat, animated by the speech which he had delivered to the Conservative electors of Cumberland—a speech, the talent of which he must admire, however little he could give the right hon. Baronet credit for candour and generosity. The right hon. Baronet, who had not been present at the debates on a former occasion, was anxious, doubtless, to express his opinion upon the conduct of Government, and doubly anxious to have an opportunity of evincing, that he possessed talents for exercising the authority of the Colonial-office. He would ask, what was the object of this cut-and-dry amendment, the fruit of a month's notice? Looking at it with respect to Canada, he would ask, what was it good for? The noble Lord, the Member for Liverpool, and the noble Lord, the Member for North Lancashire, had addressed themselves to a party on that (the Ministerial) side of the House; but another hon. Gentleman opposite said, that he did not wish to conciliate any party on that side of the House, or rather that he did not want that party to vote with him; but the noble Lord, the Member for North Lancashire, said to some Gentlemen on that (the Ministerial) side of the House, "You have voted, piece by piece, against the Canadian policy of the present Government, and now, when I ask you to condemn that policy wholesale, you cannot refuse your votes." But he begged hon. Gentlemen on that side of the House to recollect that the noble Lord, the Member for Liverpool, called upon the House to censure the conciliatory policy, and not the coercive policy, of the present Government. The present Government had adopted coercive measures only when conciliation failed. They had adopted these from a sense of duty, and a conviction of their necessity. They had adopted it at the hazard of losing some of their friends. Why did the noble Lord censure? It was not that they had adopted coercion after conciliation failed. It was because in 1834 they did not support the Bill brought in by the noble Lord himself. It was because that Bill was not then adopted. The noble Lord made a direct charge against the present Government because they did not adopt the repeal of the Act passed in 1831. He was prepared to prove, he was ready to contend, that the repeal of that Act, at the time, would be a gross violation of the constitutional privileges of the House of Assembly, and of those rights and benefits, the granting of which had so recently received the sanction of the British Parliament. With reference to his noble Friend, the Member for Liverpool, he would say another word before he proceeded further. His noble Friend, who thought he acted with perfect consistency on this occasion, accused them (Ministers) of doing that which he blamed Sir George Murray for not doing in 1830. Sir George Murray missed on that occasion the golden opportunity of introducing a conciliatory policy into the two provinces. That course had been recommended by the Committee appointed in 1828, of which his noble Friend (Lord Sandon) was a member, and yet he would now censure the Government for taking that course which he already censured Sir George Murray for not having taken. This, he must say, was not consistent in his noble Friend, but was grossly inconsistent. The Committee of 1828 recommended the surrender of the revenues of the Crown. The report of that Committee, which would have produced a satisfactory adjustment of all the difficulties that existed, and the distrusts that were engendered, was thwarted by neglect on the part of the Government of which the right hon. Baronet (Sir R. Peel) was a member, and of which Sir G. Murray was a minister, to adopt a conciliatory policy, as the Committee recommended. The noble Lord, the Member for Liverpool, being a member of the Committee, and feeling the importance of delay and hesitation in adopting that policy which alone could inspire any reasonable hope of settling the differences that existed, endeavoured to hasten Sir George Murray, in the execution of the recommendation of the Committee. How, then, could the noble Lord now come forward and say that if the present Government did that which he censured Sir George Murray for not doing, he (Lord Sandon) would not only censure them, but he would actually be the person to move their rejection from office. The noble Lord, the Member for North Lancashire, said, that from the period of the abandonment of the Bill for the repeal of the Act of 1834, he dated the commencement of the imbecility and irresolution of the Government. To this remark he (Sir G. Grey) begged to call the attention of the right hon. Baronet, the Member for Tamworth. The noble

Lord, the Member for North Lancashire, stated, that from the period of the abandonment of the Bill of which he gave notice in 1834—namely, a bill to restore to the Lords of the Treasury, the right to appropriate the revenues granted to the House of Assembly, the noble Lord dated the commencement of that imbecility and irresolution of which he complained. The House must remember that in the winter of 1834, the Government of the right hon. Baronet (Sir Robert Peel) came into office. It was made a matter of boast, and justly, for he did not wish to detract from any man's merits, that Lord Aberdeen, during the five months that he was in office, gave a very painful and careful attention to the affairs of Canada; and a few days before that noble Earl left office he actually sent instructions to the Governor General which contained a full development of the policy which the then Government was prepared to adopt with regard to Lower Canada. The Earl of Aberdeen had the advantage of knowing the course which was pursued by the noble Lord, the Member for North Lancashire, and as these instructions were placed on record for the information of the present Government, he had no hesitation in saying, that they contained opinions which did great credit to the judgment, ability, and penetration, of the noble Earl. In these instructions it was stated, that the course of policy proposed by the noble Lord, the Member for North Lancashire, was a course of policy which could not be advantageously pursued. It was the deliberate judgment of the colonial minister (the Earl of Aberdeen) that such a course of policy ought not to be pursued, and that they could only hope for an amicable adjustment of the differences that existed from a general surrender not only of the revenues before mentioned, but of the whole of the revenues of the Crown, casual and territorial, in return for a moderate civil list; such a civil list as Lord Ripon proposed—namely, 5,900*l.*, with, in addition, a small sum for contingencies. This was the very policy pursued by the present Government. They had cordially adopted the instructions which Lord Aberdeen had prepared for Lord Amherst, which in spirit, and substance, had been sent to Lord Gosford with respect to the surrender of the revenues of the Crown. He must, therefore, leave the right hon. Baronet, the Member for Tamworth, and the noble Lord, the Member for North Lancashire, to settle this question of colonial policy between them, and their new ally the hon. Member for Leeds. He hoped they would settle it before they went into one or the other of the lobbies together, and that the House would take care that in settling it they did not violate the compact entered into with the Canadian House of Assembly. The noble Lord, the Member for North Lancashire, had last night read a passage from one of the papers that had been laid on the table of the House, but if the noble Lord had read the whole of the passage, it would be found to establish the opinions for which he was then contending. He would ask, was it right thus to lead the House to suppose, by omitting part of a statement, that it bore a different meaning from its real, consistently supporting a cut and dry amendment by cut and dry extracts? The noble Lord, the Member for North Lancashire, talked of the unanimous opinion of the Commissioners about the repeal of the Act being a most objectionable mode of meeting the existing difficulties, but that opinion was not worded in the vague and undefined terms which might be supposed from the speech of the noble Lord. He (Sir G. Grey) would take the liberty of reading an extract from the report of the Commissioners of 1836. There was certainly something in that report which would seem to countenance the opinions of the noble Lord with respect to the repeal of the 14th George 3rd, but then the recommendation was to suspend, not to repeal, the Act. The Commissioners went on to say:—

> "So great, indeed, will be the powers remaining to the Assembly, that doubts have been suggested whether the alteration of the 1st and 2nd William 4th, c. 23, though it may abate the immediate difficulties of the province, will be of any permanent avail. In this point of view it is observed, that the Assembly may continue its war upon the co-ordinate branches of the legislature with more violence than ever; that the resumption of the duties under the 14th George 3rd, c. 88, will only restore the government to the same position in which it maintained an unsuccessful conflict with the Assembly in former years; and therefore that it would be better at once to advance a step further, and suspend the Constitutional Act of 1791, for a limited number of years. However startling the proposal, it is said that many arguments may be adduced in its support; that not only it will be more decisive, but that, being more evidently based on the difficulty of working the free institutions of Great Britain, in a country disturbed by the jealousies of a divided population, the proceeding would be less offensive to the

other colonies of Great Britain, than a mode of action from which it might be inferred that in other cases equally a refractory assembly would be deemed liable to a curtailment of privileges.

"We cannot, however, undertake to recommend such a plan. Independently of the general objections to any course which would be not merely unpopular, but utterly unconceived by the community at large before its adoption; of which, therefore, neither the advantages nor the defects have been exposed by the light of public discussion, nor the extent of probable opposition to it indicated, we shrink from the measure on a view of its own merits."

These were the opinions of the Commissioners, and it would be seen that they admitted such a course would be beset with doubts and difficulties. They also admitted that it would only serve to relieve the colonial government from the immediate pressure, and was a course which should not be resorted to unless warranted by the greatest necessity. He would now request the attention of the House to the opinion of Sir George Gipps, which had great weight with the Government, and which, perhaps, would also be listened to attentively by the noble Lord (Stanley). The passage was as follows:—

"I join in the main recommendation of the report, namely, that, as an immediate measure, recourse must be had to a suspension or alteration of the 1st and 2nd William 4th, c. 23; and I do so because, while I think the demands of the Assembly cannot be complied with, I know no way by which the means of paying the public servants and of carrying on the government can be procured, except by the resumption of the revenues of the 14th George the 3rd, unless, indeed, the Imperial Parliament should be disposed to furnish the money, which I think very improbable, or that it be determined at once to suspend the Constitutional Act of 1791. This latter course is one which I cannot take upon myself the responsibility of advising, though in some respects I think it would be hardly more objectionable than the suspension of the Act of William the 4th, whilst it would unquestionably be more efficacious. I am, indeed, very far from regarding the resumption of the revenues of the 14th George the 3rd as a safe, easy, or efficacious, measure; and it is only with the greatest reluctance that I can contemplate a course of proceeding which will take from the representatives of the people their now acknowledged privilege of disposing of all moneys raised within the province by taxation. The Assembly, by the suspension of the Act 1 and 2 William the 4th, will be deprived, it is true, of a portion of its power, but it will still remain in possession of ample means of thwarting the Government, and these means we may expect to see it exert with an unscrupulous hostility. The suspension of this Act is, moreover, the measure which they expect; for they had due notice of it in 1834; and for which they, to a certain extent, are prepared. The Assembly, even when deprived of the revenues of the 14th George the 3rd, will retain its control over funds nearly twice as great as those in the hands of the executive; and although the House may not have power to dispose of them at its discretion, it will at any rate be able to lock them up, especially to prevent the application of them to any purpose favourable to the Government, or to the interests of the British party. It may also refuse to pass bills required by the commercial interests, such, for instance, as bills for the renewal of the charters of the Quebec and Montreal banks, both of which will expire in July, 1837. When I consider, therefore, the bitter hostility, or rather fury, with which the Assembly will be animated against the British Government and against British interests, the invectives which, under the direction of its practised leaders, it will pour forth against England, the power it will possess of spreading disaffection within the province, and inviting interference from without, I am at a loss to imagine how the Government can be carried on with advantage, and I cannot help fearing that we shall ultimately be driven to abandon the country with all the shame of failure upon us, or to maintain it at a cost infinitely beyond its value."

Such was the opinion of Sir George Gipps. Now, as between the noble Member for North Lancashire and the hon. Baronet, the Member for Leeds, how could matters be adjusted? Surely, the hon. Baronet would not vote for such a measure as the Bill of the noble Lord, which he thought the only measure for the adjustment of the Canadian question. That Bill would have been rejected even by the Committee which the noble Lord himself nominated. There seemed to be a great difference of opinion even amongst Gentlemen opposite, as to the manner in which the Canadas were to be governed, and it would be desirable to know before the House went to a division—it would be requisite in deciding the votes—to ascertain what was the course of policy proposed to be acted upon with respect to Canada in place of that pursued by the present Government. The noble Lord opposite (Lord Stanley) had, with his characteristic chivalry of disposition, avowed himself ready, not only to follow up the principles of the despatch which the hon. Member for Tynemouth had told them produced such a sensation in the colony, but, not satisfied with this, he would repeal the 14th of George the 3rd. That would not, however, please the noble Lord's Friends. Would the noble Lord then turn to their opinions, and recommend the policy sanctioned by Lord Aberdeen and adopted by the present Government, and surrender the whole of the casual and territorial revenues of the Crown upon the grant of a moderate civil list? He might say a great deal with regard to various points raised in the instructions of Lord Aberdeen to Lord Amherst. The noble Lord, the Member for Liverpool, stated, on what he called the best authority, that he knew that Lord Amherst would have been absent only two months on his mission; that in that short space Canada would have been pacified, and all the differences settled; and the noble Lord further stated, that Lord Amherst was instructed to adjust those differences, and not to inquire into them. The distinction thus attempted to be drawn was a fallacy which had been before exposed in the House—a fallacy which, however often it had been exposed, was still repeated by hon. Members on the other side of the House. Lord Amherst went out to exercise the powers which an executive governor could exercise without having those powers enlarged by Parliament—he went out to redress those grievances merely which he could redress in his executive capacity; but Lord Gosford, a general governor, had the same power, and he went out with almost the same instructions as were prepared for Lord Amherst, those instructions having been urged upon Lord Gosford with the full force with which they had been urged upon Lord Amherst. But Lord Gosford was instructed to give a decided refusal to allow of the change in the Legislative Council which was demanded by the House of Assembly, and was it on this ground that the noble Lord, the Member for North Lancashire, was prepared to vote with those hon. Gentlemen on that side of the House who had quarrelled with the Government because they refused to make this change? The noble Lord, the Member for Liverpool, charged the Government with delay in nominating the Legislative Council. The noble Lord ought to know that it was impossible to nominate legislative councillors without a *mandamus* from the Crown. The reason of the delay in filling up the latter was that, as the appointments were for life, the most scrupulous care should be observed before they were made. These circumstances he would not enter further into, as they had been already explained by the hon. Member for Tynemouth. It was impossible in the state of things in Canada at that time to select councillors who would secure the confidence at the same time of the people and the Government; and unless these ends were attained the nominations would be of no use. The people would not be satisfied with men of Liberal opinions, nor of even ultra-Liberals, who did not go with them the entire way. When the noble Lord read a passage from a dispatch of Lord Gosford on this subject, he asked the noble Lord if he had read the whole dispatch, as, from the construction given to it, it was evident that the noble Lord knew nothing of it. The next passage shewed that, according to Lord Gosford, this delay was attributable to circumstances over which Lord Glenelg had no control. The moment this part of the dispatch was read, the noble Lord (Lord Sandon) became sensible that it exonerated Lord Glenelg from all blame on this account. There was another point to which he wished to advert. A complaint had been brought against Government on the ground that there was not a sufficient number of troops in Canada, and this charge had been repeated over and over again, notwithstanding the testimony to the contrary of an illustrious Duke in the other House—notwithstanding that the result had satisfactorily proved, that there was a sufficient number of troops—and notwithstanding the testimony of a person connected with the province, a most distinguished officer, Sir John Colborne, who for the last two years had commanded the troops in the province. Why did not hon. Gentlemen opposite bring forward the charge that the province was not sufficiently defended before the insurrection took place? They then heard nothing of the insufficiency of the number of troops. [" Mr. Roebuck said so!"] He was somewhat surprised to find that Mr. Roebuck had become an authority with Gentlemen opposite. From the numerous conversations in which hon. Gentlemen in this House, and some out of it, who were connected with Canada, took part, it appeared to be the opinion universally entertained, shared in by Sir Colin Campbell, and every military officer, as well as by Lord Gosford, that there was a sufficient number of troops. Yet they were now told by those who were enlightened, no doubt by the result which had taken place, that they (the Government) ought to have foreseen exactly the effect of the resolutions, and to have increased the troops to such an extent as to prevent the possibility of the insurrection of the Lower Canadians, spread over a large extent of territory, and comprising 450,000 persons. [Sir *J. Graham:* Were not two regiments to have been sent?] Yes, and two regiments more than the usual establishment did actually arrive before the outbreak took place. By the authority of Lord Glenelg, Sir Colin Campbell was instructed to supply from New Brunswick, Nova Scotia, and Prince Edward's Island, any number of men who might be required; and accordingly, not in the winter season, as the noble Lord (Lord Stanley) stated last night, upon what authority he knew not, 2,000 men were conveyed in her Majesty's ships to the St. Lawrence, and a third regiment arrived in July, so as to be available for the public service. At that time Sir Colin Campbell wrote to Lord Gosford on the same subject, upon which the ignorant and deficient Colonial Secretary had instructed the governor of New Brunswick so long ago as March, 1837; and these letters must have actually crossed on their way. But it was contended, that it would be desirable to have foreseen the circumstances which have occurred, and to provide so large a military force as would be sufficient, not merely to put down but to prevent insurrection, although there was nothing to justify great military display during the last summer. It might have been most mischievous to bring about such a state of things as would justify this language on the part of the House of Assembly—"According to the solemn assurance of your own governor, you state your unwillingness to take the money from the public chest, which you assert to be necessary to carry on the duties of government: while, during our deliberations on this subject, we see your troops surrounding our House of Assembly in order to control our deliberations, and to establish a military despotism under the semblance of a free representation." The noble Lord (Lord Stanley) maintained that there should be no violation of the constitutional privileges of the House of Assembly, and yet he advocated a doctrine which would render the government independent of it, and which would hold the country by military occupation, through means of a sufficient number of troops within the province to prevent the expression of public opinion. For of what avail was public opinion when the slightest step taken to express it was to be suppressed by military force? The Government was now about to send out a considerable force, although the insurrection was put down. The Ministers did not think it safe to trust to the ordinary establishment, however much they relied on the patriotic zeal and the loyal attachment of a large proportion of the inhabitants; but in sending out a large military force they were not guilty of the mockery of respecting the constitutional privileges of the House of Assembly, in name, while it was evident they completely overruled its decisions. Their policy was clear, definite, and distinct. It was a policy which the advocates of liberal opinions and the supporters of the Government must admit to be such as not to have called for the censure of his noble Friend on the ground of coercion, but which showed that the Ministers were slow to adopt a coercive course, and that they really wished to respect the constitutional privileges of the House of Assembly, and the safety alike of the interests of the province and those of the mother country. But, from the tone of some of the speeches which had been made, it might be doubted whether their policy was actually calculated to conciliate. Let him remind the House that at the period when the present Government came into office, none of our North American colonies were free from disturbance, disaffection, and dissatisfaction. He did not intend to say that open revolt had taken place in any of them, but controversies had been going on which were brought to a settlement through the instrumentality of his noble Friend, the Colonial Secretary, who was said to be so blind to his duty, so deficient in activity, but who applied, with sedulousness and ability, to this difficult undertaking; and he rejoiced to say, that with one exception, that of Lower Canada, his noble Friend's efforts had been crowned with the most gratifying success. As a personal attack had been made on his noble Friend he felt justified in adverting to some particular points upon which his conduct must meet with an acquittal. In New Brunswick, for several years before Lord Glenelg took the administration of the affairs of our colonies, a controversy had been going on which, as it respected revenue, was precisely similar to that which agitated our other North American colonies. It was a controversy in which he had no hesitation in admitting the home Government was wrong, and the colonists were right; for, although a new era was introduced by Lord Ripon, he did not go the full length of dealing frankly and unreservedly with the demands which were put forward. There was always something kept back in the concessions with regard to revenue, which fully justified and caused a distrust of the intentions of the imperial Government. In the beginning of the year 1836 an address of the House of Assembly of New Brunswick being agreed to, for the surrender of a reasonable civil list, three gentlemen were deputed by the House of Assembly in order personally to come to a satisfactory adjustment of differences which had so long been the cause of most harassing vexation. These gentlemen came into communication with Lord Glenelg, who diligently applied himself to the subject of their demands. He held several personal communications with the persons so selected by the House of Assembly, and looked at the question in all its bearings. He stated his views, heard their opinions, and finally brought about the adoption of a settlement which was quite satisfactory, not by concessions of every demand which was made, but by granting such, as upon full consideration of the whole case, mutual concession and ample deliberation, he was satisfied ought not to be any longer withheld. They waved all unconstitutional demands when it was pointed out that they could not in safety be granted, and that their constitutional rights were restored, not with a niggardly hand, but in a liberal and confiding spirit. And how were these proceedings now described? Why, he presumed that his noble Friend (Lord Sandon) alluded to the conduct of the Colonial Secretary with respect to all our North American colonies when he designated it as being vacillating and showing want of proper energy. Those gentlemen to whom he had alluded, having accomplished the object of their mission in the summer of 1836, returned in October, and just as they were leaving this country, the following letter was addressed by them to Lord Glenelg:—

"London, October, 1836.

"My Lord,—After the highly satisfactory conclusion of our negotiations with your Lordship, it would be ungrateful in us not to record, on behalf of the loyal people of New Brunswick, our sincere and hearty thanks to our most gracious Sovereign for that paternal solicitude for their welfare so clearly manifested by the personal interest which his Majesty has been pleased to take in the important matters of the address which we have had the honour to present.

"We would also, on the same behalf, convey our most grateful acknowledgments to his Majesty's Government in general, for the liberal and enlightened policy which has characterised their decisions upon the various subjects which we have had the honour to bring to their notice, and to your Lordship in particular, for the attention and consideration which your Lordship has invariably bestowed upon our representations.

"If the principles involved in your Lordship's recent instructions to the Lieutenant-Governor of New Brunswick be carried out in practice according to their obvious spirit and intent, we have good reason to hope that ere long their beneficial effects will be seen in the general diffusion of contentment and prosperity throughout the province, in the rapid development of our resources, and in our stronger and more inseparable attachment to the land and government of our fathers.

"That these cheering anticipations may be fully realised, and that his Majesty's devoted subjects in New Brunswick may ever gratefully remember under whose auspices and instrumentality their destiny has been improved, is the heartfelt desire of,

"My Lord, yours, &c.,
(Signed) "WILLIAM CRANE.
"L. A. WILMOT.

"To the Lord Glenelg, &c., &c."

The conduct, then, of his noble Friend, acting on the part of her Majesty's Government, with respect to the great questions which were at that time agitated, led to the complete settlement of those differences which were left untouched by the able men who were endued with so much wisdom, forethought, and judgment, and who previously filled the office now occupied by his noble Friend. These eminent persons had failed in attaining so desirable an object, not from wilful abuse of their duties, but through that neglect and want of attention now so readily charged upon the present Colonial Secretary. In December, 1836, certain resolutions were passed in New Brunswick, and transmitted to this country. They were agreed to without a dissentient voice, and were equally satisfactory and complimentary to the acts of the Government.

"December 26, 1836.

"Resolved, That this House entertain a high sense of the attention shown by the Right Honourable Lord Glenelg, his Majesty's Secretary of State for the Colonial Department, to the deputation during the progress of the negotiations carried on by them with his Lordship on the subject of their mission."

"December 28, 1836.

"Resolved, unanimously, as the opinion of this committee, That the dispatches of the Right Honourable Lord Glenelg, containing the determination of his Majesty's Government with respect to the various important matters brought under its consideration last Session, in an address presented by a deputation from this House, should afford the House the most entire satisfaction, and that the requisite measures be taken as speedily as possible by the House, in order that the views of his Majesty's Government, so far as may depend upon the House, may be carried into full and complete effect.

"Resolved unanimously, as the opinion of this committee, That the House should entertain a deep sense of the high obligations they owe to his Majesty's Government for the promptness with which the representations contained in the address were attended to; the solicitude expressed for a satisfactory settlement of the various matters brought under their consideration; and the results produced by the negotiation carried on between his Majesty's principal Secretary of State for the Colonies and the deputation; and that a Select Committee should be appointed by the House to have such, their sentiments, laid at the foot of the Throne."

These resolutions were undoubtedly most gratifying to the noble Lord, highly complimentary to the Government of which he was a member, and to the department of which he was the head. But his noble Friend did not wish to blazon forth his merits in this respect. He did not present himself to Parliament as the adjuster of differences which other secretaries had left unredressed, though his noble Friend adopted means of adjustment strictly in accordance with the principles of the constitution, conciliating the good will, winning the affections, and warming the ardent loyalty of the people to the Sovereign, and strengthening their attachment to the mother country. He must trouble the House with another resolution, which was short, and which could not be said to have originated in a mere hasty ebullition of feeling on the return of the deputies, but which proved that months afterwards the same feelings—and personal feelings—towards the Colonial Secretary still pervaded the minds of the colonists. The resolution which he was now about to read was dated in July, 1837, after all matters had been satisfactorily arranged, after all shadows of dispute between the executive government and the House of Assembly were at an end, when they had time to examine the instructions of Lord Glenelg, in accordance with the wishes which he had recommended for their adoption. This resolution might, by the request which it contained, provoke a smile from some hon. Gentlemen opposite; but as its purport was unknown, except to the members of her Majesty's Government, he felt bound to lay it before the House.

"House of Assembly, July 21, 1837.

"Whereas, the inhabitants of this royal province are deeply grateful to the Right Honourable Lord Glenelg, Secretary of State for the Colonial Department, for the liberal and enlightened policy which, under our most gracious Sovereign, has characterised his Lordship's decisions on the important question recently brought under his notice by the House: and whereas this House is desirous that a personal, as well as a political, remembrance of that noble Lord should be perpetuated in this province; therefore resolved, that an humble address be presented to his excellency the Lieutenant-Governor, praying that his excellency would communicate with his Lordship, and on behalf of this House request that his Lordship would be pleased to allow his full-length portrait to be taken and sent to this province, to be placed in the Assembly-room; and further, that this House will make provision for the same.

"CHARLES P. WELMORE, Clerk."

The last part of the resolution would not, he was sure, be acceptable to the hon. Member for Kilkenny. He must pause to congratulate the House on the prospect of the unbounded satisfaction which would be felt by the loyal inhabitants of this province (and they have certainly given ample proof of their loyalty within the last two months) if the motion of his noble Friend, the Member for Liverpool, be transmitted to the colony, accompanied with the statement that he or some of his friends were to replace his noble Friend, Lord Glenelg, as Secretary for the Colonies. And as the hon. Baronet, the Member for Leeds, poured out imprecations of all sorts against the Government, and ended his imprecations by a prayer for the disgrace and defeat of her Majesty's troops in defending our North American possessions, and as he was now still more to be congratulated, as one who had put himself forward as the asserter of the safety and security of the colonies, and as a man pre-eminently anxious to cement and maintain our colonial connexions, by means directly the reverse of those pointed out in the resolutions of the colonists themselves, he had no doubt that the country would soon hear of a motion for immediately substituting a full-length portrait of the hon. Baronet (if it could be taken), in the position in which he made his appearance on the floor of the House last night, when he delivered his cut and dry speech, which was conceived in a total ignorance of the proceedings published in the Canadian newspapers, and when he would lead the House to suppose that his motion contained a position which was universally admitted. He now came to the charge that her Majesty's Government had departed from what was called a vigorous course of policy, and that during a period of some years they endeavoured to conciliate the Assembly to the more general question involved in the vote to which the House was about to come. If the hon. Member for Leeds meant to express a want of confidence in Ministers, it would have been more liberal and fair to propose a direct motion to that effect. If he had taken that course, the House would not have heard of the "reluctance" with which the noble Lord, the Member for Liverpool, came forward, and the "painful necessity" which was imposed on him, of moving an amendment, and which must have been aggravated by the necessity of opposing the hon. Baronet, who was far from regarding the amendment as one to be naturally expected to follow from the course which he took. The noble Lord, the Member for Liverpool, spoke under great coercion. He not only could not help being influenced by the pressure from behind; but he was made the victim of a motion brought forward by the ultra-Radical Baronet. But looking to the course which had been pursued, he must in his conscience say, that it was the domestic and not the colonial policy of the Government to which hon. Gentlemen opposite were opposed. And that being their real object, it was not many, it was not generous, it was not the usual Parliamentary course—though he did not complain of it, because he rejoiced to see his political opponents in a false position—that those who had opposed every important measure of our domestic policy sanctioned by the approval, during the two last years, of the unanimous voice of those who sit on that (the Ministerial) side of the House, and that they who had frequently placed him in an unpleasant predicament, and would have rendered him suspicious of his own acts, if he had not had the approval of his conscience, by giving their support to the measures of the Government on colonial government, should endeavour to remove the Administration because of its management of domestic affairs; not because they wished the colonial policy was different, but because they wished to see the government of Ireland placed in other hands. [*Cheers.*] He was glad to hear the noble Lord, and his hon. Friend (Sir T. Acland), from whom none but honest cheers could come, confess that this was a question as to the government of Ireland, and that the motion of his noble Friend (Lord Sandon) was not made because Lord Glenelg's conduct was "vacillating and ambiguous," it being clear that he had adopted a straightforward and consistent course of policy, which had been successful with respect to every one of our colonial possessions, Lower Canada alone excepted. Why, it was impossible to get the hon. Gentlemen opposite to admit the plainest proposition. He had pointed out, he thought, several discrepancies between the speech of the noble Lord, the Member for Liverpool, and that of the hon. Member for Aylesbury. The noble Lord represented a very large place, which had a closer connexion with the colonies than almost any other city in the empire. He knew that the noble Lord possessed opportunities of acquiring information, which from his habits of industry he did not neglect, and he had no doubt that his noble Friend spoke his honest conviction, when he stated that every one of our colonial possessions, except Lower Canada, was in a prosperous state; and that the policy of Lord Glenelg did not, as far as all our other possessions were concerned, afford the slightest ground for cavil. It was not fair, then, that the same policy having been observed towards Lower Canada, which was completely successful in New Brunswick, and other places, and had failed from causes which had existed for several years, but were altogether unconnected with the present Government—it was not, he repeated, worthy of the high character and station of many noble Lords and hon. Gentlemen opposite to bring forward, under such circumstances, a motion condemning our colonial, when their real detestation and hatred was directed against our domestic, policy. There were many new Members in that House, but there were others, who, having been in the last Parliament, must remember the skill, the ability, and the candour, displayed by the right hon. Baronet, the Member for Tamworth, in this House, during the short period when he conducted the administration of this country. He was one of those who admired the talent with which he covered his retreat when driven by a succession of defeats from the post which he had occupied. But if a new Government were now formed, would the right hon. Baronet be equally supreme in it as he was in that of 1835? He did not presume to say that the right hon. Baronet then exercised all the functions of administration, but he certainly monopolised all its debating powers. In the future cabinet, instead of being a dictator, he would only be one of a triumvirate. He would be associated with the noble Lord (Lord Stanley), and the right hon. Member for Pembroke (Sir James Graham), who had dwelt, in his speeches at Cumberland and elsewhere, on the close alliance which existed between them and the right hon. Baronet. [Lord *Stanley*: "Compact alliance."] The noble Lord preferred the expression so often quoted as having been used by the hon. and learned Member for Tipperary, in order, he supposed, to disarm him of his argument by implying that it was his intention to give a disinterested support to the Government of the right hon. Baronet at least for a period of three years. He believed however, that the noble Lord would be included in the cabinet of the right hon. Baronet, and they had a right to know before they came to a vote, for what office he was intended. But if this was thought an unreasonable request, he would at once waive it as unnecessary. It was clear that the noble Lord must fill the office of one of the Secretaries of State—was it the wish of the House that he should displace his noble Friend (Lord J. Russell), and as Secretary for the Home Department, have the superintendence of the affairs of Ireland; or if he was to succeed his other noble Friend (Lord Palmerston), was it thought that his temper, moderation, and abstinence from all irritating topics, would peculiarly qualify him for the conduct of those delicate negotiations which might arise out of questions pending between this country and the United States, or was the noble Lord to return to the Colonial Department and resume that system of vigour which had been so fully explained in his speech last night, to which he clung with the fondness of a parent, but which had been repudiated by the Government of the right hon. Baronet, with the impartiality of disinterested judges. The right hon. Baronet, if deprived of his supporters, might form a Government acceptable to the majority of this House, but he firmly believed, that in the Government which would succeed that of his noble and hon. Friends, the right hon. Baronet, the Member for Tamworth, might be the head, but the noble Lord would be the presiding and pervading genius.

Mr. *Gladstone* said, his hon. Friend, the Under Secretary for the Colonies had found it convenient in the course of his ingenious and powerful speech to devote one portion of it to travelling very far from the limits of the question. And although he must admit, that his hon. Friend had not evaded the argument of colonial policy, but had grappled with it in the best manner in which it could be met, yet he had reserved for his climax an appeal to those general principles of party which was generally sufficient to raise a feeling in favour of the side whence it came, and to disguise the weakness of the case they had to present. His hon. Friend seemed to have thought that he had made out a triumphant case as far as New Brunswick was concerned; and most triumphant it certainly was, inasmuch as that colony had not been touched upon in the last disturbances, except incidentally. He must say, that he had been astonished at some of his hon. Friend's observations. His hon. Friend had adverted to the compulsion under which the Members of the Opposition had felt themselves of joining in the motion of the hon. Baronet, but he would assert, that the whole course of it lay in the misconduct of the Government. It was his deliberate opinion that his conscience would not be acquitted if he suffered the conduct of Ministers with respect to Canada to go on unnoticed, or if he rescinded his opinion on that subject. Much had been said as to the motion having been left until so long a time after the discussion about Canada, but in his opinion there was no point connected with it more defensible than the time at which it was brought forward. What would the hon. Gentlemen on the benches opposite have said if it had been introduced at the very time that rebellion was going on? Had that been the case, those sitting on the Opposition side of the House would have been told, that they wished to profit by public confusion, regardless of public peace and of the sacrifice of human life, impelled by an eagerness for office which no circumstances could restrain. Loud as had been the cheers which his hon. Friend had received during the course of his excellent speech that night, still louder would have been the cheers to greet him whilst he had urged those arguments to the House. His hon. Friend had designated the Opposition as powerful in numbers, and not scrupulous in their conduct. But let him tell the hon. Baronet, if their scruples had been less, their numbers would have been greater. He admitted, that it would have been most unworthy of them, and most dishonourable conduct, if, disagreeing as they did with many hon. Members opposite on the question of maintaining in Canada British authority with a firm hand, they had sought, by a dishonourable combination, to enter into an alliance with the hon. Baronet who had brought forward this motion, whose views he was sure were held conscientiously, but which were radically different, and totally irrreconcilable with theirs. If they had combined with the hon. Baronet in the expression of their common sentiments because they both agreed in the terms of the motion, it would have been, on their part, most dishonourable conduct; but it would have been a course not without precedent, for there might be found to it an exact and faithful analogy in the conduct of the noble Lords and hon. Gentlemen on the Treasury benches, when they adopted those measures by which they had achieved the displacement of the former Government, and the possession of office for themselves. He did not deal in vague and general charges that would not bear analysis, for he had only to substitute the Irish church in the place of Canada to make the cases parallel. There were on the Ministerial side two parties who held different views upon the Irish Church. The Opposition were called its injudicious Friends; but there were many on the Ministerial benches who did not scruple to avow their decided hostility to its existence. Resolutions were then framed between the former parties, studiously worded so that all points of difference might be avoided, and in them the welfare of the Irish church was not put forward, for if it had been, the Ministerial Members would not have gained a majority or obtained possession of office. It was open to the Opposition to pursue a course analogous to this. They and the Mover of the present motion both concurred in disapproving of Lord Glenelg's conduct with respect to his Canadian policy, and if they had expressed their disapprobation in the same terms, he put it to the hon. Gentlemen opposite what would have been the result? He would then proceed to state the specific, though not all the charges more immediately bearing on the conduct of the administration, on which he was contented to rest his vote of to-night. The amendment of the noble Lord, the Member for Liverpool, referred to the irresolution and delay manifest in Lord Glenelg's conduct as Colonial Secretary of State. Now, the first instance which appeared to him a matter of complaint was annulling the appointment of Lord Amherst, and sending out Lord Gosford. It was the greatest injustice to his noble Friend, Lord Aberdeen, to whom at length, he rejoiced to say, tardy justice had been done by his hon. Friend, the Under Secretary of the Colonies. He had not, however, forgotten that the noble Lord, the Secretary at War, had made a most unwarrantable attack on his noble Friend, and described him as holding principles that were hostile to the welfare of the human race. It would have been more in consistency with the records which his noble Friend had left in his department, if the noble Lord had not inflicted this attack. Lord Amherst was not to have been sent out for the purpose of inquiry, but of preparing some definitive arrangement, on which arrangement his commission was to terminate. An hon. Gentleman who had spoken last night had said that he did not understand the object of Lord Amherst's mission, and how he was to act; but he (Mr. Gladstone) could tell him that it was to make a final settlement of the disputes in Canada. But what was the course adopted by the present Government? They had the plan of the Chancellor of the Exchequer, ready (to use a phrase much employed in the recent debates) "to run out" to the colonies; there was no reason why they should not have acted on that plan, and upon the policy of his noble Friend, Lord Aberdeen. But what did they do? Why, they sent out a commission of inquiry, which only opened old questions, made no advances, brought forward no fresh matter, and which after two years has left us in a worse position than before, aggravated as the case is now by the additional exasperation which so protracted a delay has necessarily occasioned. So much for the Commission of Lord Gosford. But he complained not only of the evil effects of that Commission, and of its manifest impolicy, but he complained also of its very appointment; and for this reason—because it was obviously and powerfully calculated to serve the party interests of the noble Lords and right hon. Gentlemen opposite. He suspected that the right hon. the Chancellor of the Exchequer knew pretty well, that, if the settlement recommended by him of the affairs of Canada had been for one moment adopted, it would have operated as an active dissolvent of that compact alliance which had been recently formed by hon. Gentlemen on the other side of the House; and he had a right to intimate his belief that the Ministers, seeing the impossibility of dealing with the Canada question in a way that should please the allies, by whose assistance they obtained office, determined to throw overboard Lord Amherst and the plan of the Chancellor of the Exchequer, and to disregard all that had been said or done on the subject before their accession to office, in order that, by re-instituting the whole matter from the very commencement, they might postpone the evil day when they would be obliged to announce what measures they really intended to adopt. But the right hon. Gentleman opposite asserted, that it was unfair and un-Parliamentary for any Gentleman on the Opposition side of the House to propose a vote of censure on the Canadian policy of the Government, after it had been adopted by the Members of the Opposition. What did the right hon. Gentleman mean by stating, the policy of Government had been adopted by those who were opposed to the Government? Undoubtedly the hon. Gentlemen who sat on that (the Opposition) side of the House concurred with the Government in voting an address to the Queen, expressing their anxiety to aid and support her Majesty in putting down rebellion. The Opposition also concurred with the Government in the necessity of making a temporary provision for the Government of Lower Canada. But did the Opposition concur in the bill for that purpose, as it was first proposed by her Majesty's Ministers; or did not rather her Majesty's Ministers concur in the measure as it was subsequently altered by the Opposition? As far as he could understand the nature of that bill, there never was a measure which left that House more materially restricted, or more entirely changed, he might say, than did the measure which was brought in by the Government. The hon. Gentlemen opposite spoke of the policy of the Government, as if the Canadian question was settled. What, let him ask, had been gained with regard to Lower Canada, except a postponement of the difficulty for a short time? But the Government was so accustomed to deal with questions on this temporising principle, and so habituated to invent pleas and devices for delay, that, if they could only contrive to stave off an evil for a certain period, they called that which was only a postponement a settlement; and even the acute mind of the hon. Gentleman who last spoke could not discriminate between a settlement and a procrastination. He, therefore, censured the Government for instituting, in the first instance, a commission of inquiry calculated to open the whole question, and thereby to create great delay, instead of proceeding to act when the question was ripe for action; and, in the next place, he charged them with having adopted that measure at a period and in a manner likely to serve the interests of party, as its tendency was to injure the interests of the empire. Two years were disposed of by that measure. He now came to the resolutions of 1837, which, in reference to the question of time, had scarcely yet been touched upon in the course of these discussions. Those resolutions were introduced at the commencement of the month of March, and an impartial observer might naturally inquire, how it was, that those resolutions had failed of being realised in the shape of some legislative measure during the Session. Though introduced early in March, they did not pass through that House until the 28th of April. Why, he asked, were seven or eight weeks allowed to elapse between the proposition and the adoption of those resolutions? The noble Lord opposite was never backward to discuss questions *de die in diem* when that suited the purposes of the Government: but still those resolutions were allowed to remain seven weeks in that House, and, after their adoption, no steps were taken to introduce a bill founded on them, which might have passed in about one-seventh part of the time. But looking mainly, as he did, to the conduct of affairs in Lower

Canada, he would take leave to repeat what he had before submitted to the House with respect to that part of the case. He stated, that there were two circumstances most deeply to be deplored — first, the suspension of the constitutional rights of the people of Canada; and secondly, the outbreaking of a rebellion, now happily at an end; and he had argued, that neither of those circumstances ought to have occurred if her Majesty's Government had been faithful in the discharge of their trust. He had stated his conviction, that the suspension of the constitution needed not to have occurred, if the Ministers had chosen to act on the advice of their own Commissioners. The hon. Gentlemen opposite did not attempt to deny that, whatever difference of opinion might exist on other points among the three Commissioners, they were nevertheless agreed on one single point — that the act of 1831 should be suspended. Why, then, did not the Ministers act upon the suggestion of the three Commissioners? The hon. Gentleman who spoke last night, and who belonged to the Commission, (Sir G. Grey) said, that he had wished for the adoption of more decisive measures; but that now he did not think the conduct of the Government had any assignable effect in producing the crisis in Canada. He could not reconcile the hon. Gentleman's speech with his reports. The hon. Gentleman had recommended the suspension of an act conferring rights and privileges of the first importance on the Canadian Assembly, and yet he now came forward and represented that it made no difference whether or not that recommendation was adopted. He would take the liberty of calling the hon. Gentleman as a witness of the evils produced by delay on the part of the Government of the country. In a pamphlet, which he believed he was not wrong in ascribing to the hon. Gentleman, he said, with respect to the Canadian resolutions, that any suspension of them, or any faltering on the part of the Government, was calculated to produce the greatest mischief. This statement was made on the 10th of April last year; and in the course of the correspondence no mention was made of the King's illness, as a cause of delay, until the 13th of June. Yet, be it remembered, that no legislative measure founded on those resolutions was brought in during that year. It had been objected against the Opposition, that they had not predicted the necessity of sending out an armed force together with the resolutions to Canada. Why, they had, in fact, only acted on the principle on which they were bound to act, for they were bound to assume that the Government would not neglect what was its first duty —the preservation of the tranquillity of the colony, and the maintenance of the Queen's authority therein. The hon. Gentleman had taken occasion to rebuke the noble Lord, the Member for North Lancashire, for precipitancy and rashness, with reference to the advice given by that noble Lord on colonial affairs. The noble Lord recommended last year that the act of 1831 should be repealed; and it would baffle the ingenuity of the hon. Gentleman to show how, if that advice had been taken, any necessity could have arisen for the subsequent suspension of the constitution. The noble Lord, therefore, could not be charged with a desire to interfere unwarrantably with popular rights; but it was the feebleness and vacillation of the Ministers, which, shrouded under the popular terms of concession and conciliation, had at last forced upon the House the necessity of making a greater invasion upon constitutional rights than would have been requisite if the Government had only been wise and prudent in time. He would now advert to the rebellion. It appeared to him that that rebellion never could have occurred if ordinary vigilance and diligence had been used by the Government. It was not his intention to cast any censure on Lord Gosford. He did not pronounce any opinion whether that noble Lord was liable or not to blame, but he wished to remind the House, that on the 6th of October Lord Glenelg wrote to Lord Gosford, stating "that he would take an early opportunity of addressing him more at length on the present position of affairs in the province than he was able to do by the present opportunity." Now, what better opportunity could Lord Glenelg have had than that for explaining the intentions of the Government? The Canada resolutions had been passed some months before, and Ministers had had time to deliberate upon their effect; and yet the noble Lord at the head of the Colonial Department postponed and procrastinated the transmission of directions to Lord Gosford. The noble Lord, however, promised that directions should be sent out by the earliest opportunity. How was that promise redeemed? The next letter addressed to Lord Gosford, with the exception of one dated the 18th of November, 1837, and which related to a particular point of the case, conveyed the intimation of the Government's acceptance of that nobleman's resignation. In that letter, which was dated the 27th of November, 1837, Lord Glenelg stated, that Lord Gosford had "acted throughout with the utmost temper, discretion, and good faith." By that opinion, then, the Government was bound, and it was for the House to say what confidence could be placed in a Government expressing such a judgment, when it appeared from the correspondence that the authority of the law had been set at nought in Canada, and that treasonable practices had been pursued, not only without prevention, but without notice on the part of the Canadian Executive. It was to Sir John Colborne that the Government was first indebted for a notice of these proceedings. Even on the first of October, 1837, a public meeting was held in the country of the Two Mountains, and it was resolved that justices of the peace should be elected to supersede the magistrates appointed by the Executive. Was the law put in force against the parties guilty of those acts? No! How then could the Government justify this remissness? He would make one single observation with reference to the terms "want of foresight" in the amendment. He conceived that a remarkable proof of the want of foresight was afforded by the fact, that on the 13th of October Lord Gosford stated, "that with the religion, law, and the loyalty of the great bulk of the population opposed to them, the party now fomenting sedition and treason, although they may, if not checked, create local and temporary confusion, are not likely to meet with the success which, from the boldness of their proceedings, they seem to anticipate;" and on the 6th of November, only one short week afterwards, he wrote, that "in many of the counties in the district of Montreal a very large proportion of the rural population are in such a state that it is difficult to say o what lengths they may not be urged o go." This, then, appeared to be the first time when the eyes of Lord Gosford were opened. He wished, therefore, to ask the Government what justification they could find for such want of foresight, and what excuse they could plead for not enforcing the law in Lower Canada? He apprehended that the first duty of an Executive was to maintain the authority of the law, and to provide, that life and property should be safe, for without such security all the other objects of society would be nugatory and impracticable. He knew he might be told, that there were peculiar circumstances which sometimes prevented the governors of colonies from being able to check the outbreak of disorders. When no overt acts of illegality were committed, such a justification might be pleaded; but in the present case the illegal proceedings were overt, because they were essentially public, for Lord Gosford said in one of his letters that "large bodies of the seditious are openly drilled in military tactics every Sunday, in and near the city of Montreal." The Government were fond of saying that Lord Gosford had a sufficiency of troops at his disposal. Why, then, were not these treasonable manifestations suppressed? There could be no doubt that the Executive in Canada had failed in the great duty of maintaining the peace of the province. It was true that the rebellion was crushed; but that result had only been attained by a great sacrifice of human life. It must not be forgotten that hundreds had fallen victims in the strife; and sorrow and solitude reigned in many a cottage. Why, he asked, had not such scenes been prevented by the rigid enforcement of the law? To this plain and simple question he believed it was not in the power of the Government to give a satisfactory answer, and he, therefore, thought the House was bound to adhere to the amendment moved by the noble Lord (Sandon), unless it should be thought desirable that Ministerial responsibility should be nothing but a mere name, and that misgovernment to any extent might be perpetuated with impunity.

The *Chancellor of the Exchequer* concluded, that as the hon. Gentleman who had just spoken charged the Government with forbearance, and a reluctance to have recourse to force, the system according to which he would govern Canada was one of coercion. There was always a great satisfaction in rising after the hon. Gentleman (Mr. Gladstone), for however widely he might differ in opinion from the Government, not one word escaped from his lips calculated to give pain, or to infuse into the debate any needless asperity. But with respect to the speech to which it now became his painful duty to refer—[*Loud Laughter.*] Hon. Gentlemen opposite, though they had listened to the attack, did not seem disposed to afford a hearing for the defence. If they were not inclined to hear him, their approbation could not be of much value, while their censure would be of no value whatever. He had once been much struck by the concluding passage of a panegyric passed on a great statesman. It was in these words:—"He lost no friends." He recommended to the noble Lord opposite (Lord Stanley) to ponder on this eulogium. Before adverting to the speech of the noble Lord he would first say one word on the motion before the House. He was glad to perceive, that whatever blame hon. Gentlemen opposite were pleased to charge upon the Government, however much they were opposed to the policy which had been pursued, and however much they were disposed to condemn the political conduct of his hon. Friend, the Secretary for the Colonies, not one word had been said against the personal character of Lord Glenelg during the whole discussion. That, to him, was certainly a gratifying circumstance. It was the Government, not his noble Friend, that was attacked, and not one word had been spoken reflecting on the personal character of his noble Friend. The task of his noble Friend was undoubtedly a difficult one, but his acts were the acts of the Government, and it was the Government which was to be condemned. He would refer next to the charge which had been made against him by the noble Lord opposite, the Member for North Lancashire. His friendship for the noble Lord commenced when the noble Lord was sent over to Ireland as the chief Secretary for the Irish Administration, and had the noble Lord the satisfaction of knowing, that while he filled that office he created no excitement, provoked no opposition, but that, on the contrary, he had attached to himself and to the Government the favour and support of those around him? But he would join issue with the noble Lord on the distinct charge which the noble Lord had brought against him. The noble Lord had opened his battery by the modest assertion that from the period of his secession from office were to be dated the difficulties of the Canadian question. The noble Lord said, that the ambiguity and irresolution with which he charged the Government in their administration of the affairs of Canada, dated from the time when he (the Chancellor of the Exchequer) had had a communication with the Canadian Deputies. Such was the charge brought against him by the noble Lord. He confessed he was wholly at a loss to conceive why he should have been selected by the noble Lord as his first victim upon this occasion. Perhaps it was the circumstance of his having been for a long time in habits of intimacy and friendship with the noble Lord. On a former occasion it was true, he had been the subject of attack from the noble Lord; but that he reconciled to himself by the circumstance that the subject to which the discussion referred belonged particularly to his department. But why on the present occasion he was singled out for the rancour of the noble Lord, he repeated he was wholly at a loss to understand. The noble Lord was not, he believed, altogether embarked in the same boat with Mr. Roebuck; but, nevertheless, the noble Lord had contended, that though he was not to blame on the grounds stated by that gentleman, he had not expressed himself with sufficient distinctness in the interview he had with the Canadian delegates. "Why did you," observed the noble Lord, "allow the delegates to leave you without stating at once to them your opinions on the subject of elective councils." Now, to judge of the whole of the case, he had but to ask the House to judge of the noble Lord's accusation under this head. He had accepted office but a very few days antecedent to the interview, and not having the happy knack possessed by the noble Lord of jumping to a conclusion without considering the premises — not having those same powers of immediate decision which so unfortunately for himself marked the career of the noble Lord—he had not the daring presumption to turn round to the delegates and tell them, on his own responsibility, that the question of an elective council was absolutely decided. Had he done so, though he might have established a claim to the support of the noble Lord, he should have deservedly lost ground in the estimation of every man of common sense in the country. Instead of doing this, he told the deputies that he had but just received the seals of office, and that he would deliberate on the point before coming to any decision respecting it. "But then," said the noble Lord, "you did deliberate, and the result of your deliberation was, that at the end of five months," being the precise period of his remaining in office, "you did frame a despatch which you proposed to send out, but which despatch you have never thought proper to produce in any shape." In that paragraph, too, was to be found, if he might so term it, the second charge of the noble Lord. The noble Lord, with much injustice, had endeavoured to draw a contrast between his conduct when leaving office, and what the noble Lord had termed his reserve and caution when quitting the seals of office. "I gave you," said the noble Lord, "not only my private papers, but my private secretary, who was intrusted with all my views and sentiments respecting the Canadian question." All this was perfectly true, nor could anything in his opinion be more natural, for, at the time all this occurred, he believed, that though he and the noble Lord differed upon one point, they differed upon that one point only, and that in every other matter of politics, they entertained but one and the same opinion. For proof of this he might mention that, during his continuance in office as Secretary for the Colonies, there was not one single paper of importance, which in any way concerned the noble Lord, which was not transmitted to him for his opinion and advice. But, although he had stated, that there was only a difference on one point between the noble Lord and the Government of which he had been a Member, at the time the noble Lord retired from office, yet time had shown that there was a much wider political difference betwixt them than he could have at first supposed. But as regarded the particular dispatch to which allusion had been made, he begged to tell the noble Lord, that, under no circumstances whatever, even though it had been the noble Lord himself who succeeded him, could he have left it in the Colonial-office after him. That dispatch was to have been an act of the Cabinet, but had not been submitted to them at the period the Ministry was dissolved, and he believed it was quite contrary to practice to leave in the office, upon the occasion of a dissolution of Ministry, a document intended for the cabinet, but which had not received their approbation, the fear being that, by so doing, the successor in the office might be misled with respect to the opinions of the retiring Government. [*Cheers.*] Hon. Gentlemen might cheer, but let them hear out before they had done. On delivering up the seals of office to his Sovereign, he had the honour of stating to his Majesty, that every paper or communication which had passed through the Colonial-office was at his command, and that if he was so ordered, he was prepared to hand them over either to the Duke of Wellington or Lord Aberdeen. This he was not asked to do. [*Cheers.*] If those cheers were from the supporters of the new Government which was about to be formed, he wished them to reflect what the rules were which ought to guide honourable men in the discharge of their political duties. The noble Lord had said, that the dispatch had never been sent to Canada. That was true; but a little delay was not always a bad thing, and his hon. Friend (Sir C. Grey), who had been one of the Canadian commissioners, had proved pretty satisfactorily that, if some dispatches, written by the noble Lord, had never been sent to Canada, the Canadians would have been no worse off. One dispatch, written by the noble Lord with his usual heat and carelessness for the feelings of others, and displaying all his vehemence of temper, bore so hardly on the feelings of the Canadian Assembly, and shocked those feelings so much, that that which, if said in milder terms, might have been listened to, and have produced the best results, was, in fact, the parent of the celebrated ninety-two resolutions. It might not have been worse for Canada, it might not have been worse for the noble Lord's reputation for calmness, temper, and discretion, if a little delay had taken place before that dispatch was sent off; and it might have been no worse for his character as a statesman if he had taken advantage of some of the opportunities which had occurred to make amends to the Canadians for the irritating terms in which that dispatch was couched. But this the noble Lord had not done, and he begged to recal to the recollection of the House the terms in which the noble Lord had last night spoken of the Canadians. Speaking of the French population of Canada, the noble Lord said, that they were a people of ignorance the most profound, of prejudices the most inveterate, and of vanity the most egregious. Now, when a man could utter such language, could make use of such phrases, calculated to exasperate and wound the feelings of a whole people, even if true, and when those phrases were used by the noble Lord in his place in Parliament—when such language was directed against the Canadians by him who had been, and might again be, Secretary for the Colonies, it exhibited such a want of prudence, such a want of temper, on the part of that individual, that he could feel no surprise at the bitterness of the attack which the noble Lord had made upon him. The attack on him was as nothing compared with such an attack on a whole people. The Government was charged by the noble Lord with not knowing its own mind, with vacillation in its opinions and intentions; and it was argued that, as the Government wanted stedfastness of purpose, it ought to be dismissed, and those who brought forward the charge appointed in its place. Now, although he did not leave the Canadian dispatch behind him on his retirement from the Colonial-office, the noble Lord had left behind him all his papers, and he would let the House see whether there were no ground for a charge of want of resolution, a want of steadfastness of purpose against the noble Lord himself. The noble Lord came into the Colonial-office unexpectedly, and without any preparation; but he at once undertook to bring forward a most important measure, from which any man of less energy and decision would have shrunk. The noble Lord with ability, he would admit, which could not be surpassed, but which might run too fast, prepared and brought forward a measure for the abolition of slavery in the West Indies. Now the point in dispute was, the comparative steadfastness of purpose of the noble Lord and of the present Government. But how was that quality displayed by the noble Lord? He first came forward, after he had mastered all the details of the subject, and proposed that a sum of 15,000,000*l.* should be lent to the planters to induce them to relinquish their property in their slaves. In the course of a few days, however, the noble Lord, in defiance of that constancy of purpose which he now argued was the test of the fitness of all colonial ministers for office, departed from this proposition; and for the loan to the planters of fifteen millions substituted a donation of twenty. Now, he (the Chancellor of the Exchequer) was far from saying that the noble Lord was to blame for making that alteration in his plan; but he did say, that if his noble Friend (Lord Glenelg) were justly chargeable with not knowing his own mind, at least he had a precedent in the conduct of the noble Lord. Again, the noble Lord charged the present Government with want of firmness of purpose. Where was the noble Lord's firmness of purpose when, after having declared that it was necessary at once to legislate satisfactorily and completely for the emancipation of the slaves, and having brought in an act for that purpose, he had been compelled to introduce a supplementary act on the subject. [*No, no!* from Lord Stanley.] His noble Friend should have every facility in answering any observations on the subject. If the noble Lord wished to inflict upon him (the Chancellor of the Exchequer) any of that severe punishment which he was so skilful in administering, the recollection of their ancient friendship would not allow him to deny the noble Lord any opportunity of enjoying that pleasure. Now, he would ask the noble Lord, he would ask the House, and he would with the utmost confidence ask the public, if the noble Lord knew that his conduct had been objectionable at the time he had stated, with reference to the whole of his intercourse with the Canadian delegates, why the noble Lord did not, three years ago, make that conduct the subject of public accusation, instead of postponing it until the present moment. In the name of common justice, independently of all considerations of personal attachment, what right had the noble Lord, having abstained from doing so at the time, now to begin and load him with charges in reference to those circumstances? For himself, he would say, that the conduct he had pursued on the occasion just alluded to he would repeat under similar circumstances. He might have too much confidence in his own opinion in reference to the case; but that conduct, under similar circumstances, he would repeat. He begged pardon of the House for having allowed himself to be so long diverted from the question before it; but he felt that some vindication of himself from the charges which had been brought against him by the noble Lord was necessary to his own character. The practical proposition on which the House was now called upon to determine was, whether or not there should be a change of government. However the hon. Member for Newark might have thought proper to treat the subject, that was the practical issue. But would not that House, and would not the country have blamed the Government, and justly blamed it too, if Ministers had not distinctly stated that the dismissal or retention of office by the Government was the issue to be tried? But hon. Gentlemen opposite said, that the course they had adopted had been forced upon them;

but he really believed that they would not have made their present motion but for the result of some divisions which had lately taken place in that House. On those two occasions Gentlemen opposite had found themselves in a majority, and that was the reason for the course they were now pursuing. The noble Lord, the Member for the county of Northampton, had rushed forward, like a young knight, to the aid of those who were thirsting for office, and had well earned his spurs. He congratulated the Gentlemen opposite on those divisions, although he did not think the consequences would flow from them which they seemed to anticipate. He did not charge them with a wish for political power personally; but there might be a struggle for party though not for personal power. But as to the majorities to which he had just alluded, he would ask how often the Tories when in power had been beaten on divisions? He did not allude to the short and brilliant course of the right hon. Baronet opposite, when he endeavoured, though unsuccessfully, to make a stand against the general opinion of the country—he alluded to the good old times of Lord Liverpool's administration. He would state a few of the defeats of the Tories at that period. Did they recollect how they were beaten on the Queen's trial? Did they recollect how they were beaten on the question of the property-tax? Did they recollect how they were beaten on the question of the salt-tax? Did they recollect how they were beaten on the question of the Postmasters-General? Did they recollect how they were beaten on the question of the Lords of the Admiralty? Did they recollect how they were beaten on the question of the reduction of the public expenditure? Did they recollect how they were beaten on the question of improvements in the criminal law, introduced by the late Sir James Mackintosh? On all those questions the Tories had been beaten by majorities; and he could go through a much longer list of beatings which they had sustained; and yet they had retained office. He stated this in order to warn young Members against indulging too fondly in hopes raised by two or three divisions against a Government. What had he and his Friends been invariably fighting for? For reduction of the public expenditure; for the amendment of the criminal law; and for the diminution of patronage. He would fearlessly say to the sensible and clear-judging people of England, "Will you select the administration by which you are to be governed from the men who have maintained and affirmed those three great principles of policy, or from the men who had opposed and negatived them?" He would refer the hon. Baronet, the Member for Leeds, who had so strongly expressed his disapprobation of the conduct of the present Government, and who brought forward a motion which went to dismiss them to a witness in their favour whose authority he knew the hon. Baronet would not dispute. He would call the attention of the House and the hon. Baronet to a speech made no longer ago than in July last, on the hustings, to a large and independent body of electors. In that speech the speaker expressed himself in the following terms:—"First, I supported the English Municipal Reform Bill, the first, the greatest, and the most important measure of the Melbourne administration—the most meritorious achievement of the late Parliament in the cause of good Government. I likewise supported the reduction of the stamp duty on newspapers, a measure which though not yet so complete as I could have wished it, yet entitles its authors to the gratitude of the people as being the means of obtaining the greatest of all possible benefits, the diffusion of sound knowledge and useful information. Nor would I forget the English Tithe Commutation Bill, and the Bill for the registration of births and marriages, the beneficial results of the last session. Nor will I overlook as titles to our gratitude the unavailing efforts of the Liberal party to do justice to Ireland. Nor must I omit as deserving of praise the excellent measure for the abolition of church-rates, which I trust and predict will be the valuable fruit of some future session. I supported the Government plan for extending the period of the payment of rates, which, if carried, would have considerably augmented the town constituencies. The blues (Tories) would have spent more in one year than the Whigs have done in seven. I am prepared to support Lord Melbourne's administration in its legislative and administrative reforms." Now, these were the statements of the hon. Member for Leeds himself no longer ago than in July last. The hon. Baronet afterwards characterised the existing Government as "the most enlightened and well-intentioned Government that this country had ever had." But the hon. Gentleman's policy now was this: "Let the Radicals separate themselves from the Ministry, and go over to the ranks of the opposition." "If the Tories move a resolution expressing want of confidence in the Whig Ministry, let the Radicals vote for it," that was to say, "let the Radicals join the Tories to turn out the Whigs." A Tory Government might anticipate what would befal them by the tender mercies which the Radicals showed to the Whigs. But it should be remembered, that in the formation of a new Ministry there was another party to the contract, the people: and they might depend upon it that the administration which the right hon. Baronet would bring in was one which would find no favour in the sight of the people. He believed the present Ministry represented the opinions of what were called the moderate and liberal part of the country. If they had the majority of the 10*l.* constituency with them, then of course he was right in his opinion; but if the majority of that constituency was composed of Conservatives, the party on the Opposition benches did not need the support of the Radicals. His object was to defend the position which the Government had taken. The hon. Gentleman who spoke last had complained of the position of the opposition; Why, then, did they not avoid it? Why did they not bring forward a substantive motion themselves? They had the power of doing so, and it was their own fault that they were forced into action by the hon. Baronet and his Friends.

Lord *Stanley* hoped the House would forgive him if he intruded for a moment to offer a very few words in the way of explanation. The right hon. Gentleman who had just sat down was mistaken: he was sure the House must perceive, that the right hon. Gentleman was mistaken in asserting that the charge which he had made against the right hon. Gentleman was, that with his administration of colonial affairs had commenced the difficulties of Canada. So far from saying so, he (Lord Stanley) distinctly stated, in answer to the noble Lord (Palmerston) who sat opposite, and to his right hon. Friend, whom he did not then see in his place, that the difficulties and embarrassments of Canada were of much longer standing; but that the course of hesitation, and the uncertainty of policy which the Government thought fit to pursue with respect to that province, did undoubtedly commence with the administration of colonial affairs by the right hon. Gentleman; and with the misunderstanding into which (as he expressly stated unintentionally on the part of the right hon. Gentleman) Mr. Roebuck, the representative of the Canadian House of Assembly, was led by his personal interview with the right hon. Gentleman, with respect to the intentions entertained by the Government in reference to Canada. He distinctly vindicated the right hon. Gentleman from the charge which had again been brought against him by Mr. Roebuck, of extraordinary interference in the pecuniary affairs of the province; and the charge which he did convey (not, as he thought, uncalled for) he had endeavoured to convey in terms as little calculated as he was able to use, of giving offence either to the private feelings, or to the public character of the right hon. Gentleman. He regretted, unfeignedly, that they appeared to have made an impression so deep and bitter upon the right hon. Gentleman's mind. He would not comment upon the terms in which the right hon. Gentleman had replied to the charge; and he still hoped that the right hon. Gentleman, when two or three days— [" *Order, order!*"] He was about to say, that he hoped the right hon. Gentleman, upon two or three days' more calm reflection, and upon looking back to the terms in which the charge was conveyed, and had been replied to, would see that, at all events, he was not to be charged with bitterness. He should sincerely rejoice if, upon further consideration, and cooler reflection, the right hon. Gentleman should be induced to give a wider scope to those kindly feelings which he possessed, than in the excitement of the present debate he had appeared disposed to do. One word more. Whenever he had an opportunity afforded to him of meeting the other question, he should be most ready, most willing to undertake the vindication of the government of Lord Grey.

Viscount *Howick* hoped, before the right hon. Baronet (Sir Robert Peel) proceeded to address the House, that he might be allowed to say one word in reference to what had fallen from the hon. Member for Newark (Mr. Gladstone) with respect to the speech made by him in 1835. The hon. Member for Newark had accused him of having, in that speech, charged Lord Aberdeen with being an enemy to the human race. Now, what really passed? In the debate upon the Address, in opening the Parliament in

1835, at a time when neither the House nor he had an opportunity of knowing what policy Lord Aberdeen would pursue with respect to Canada, and the other colonies, he stated, as one reason for not placing confidence in the government of which the right hon. Baronet (Sir R. Peel) was the head, that it was unwise in the critical state in which the affairs of Canada then stood, to place the government of the colonies in the hands of a nobleman who entertained opinions, he had no doubt conscientiously, but which, in his opinion, were opposed to the progress of improvement, and to the general welfare of society. In making that statement, he only expressed the sentiment which all on that (the Ministerial) side of the House entertained of what were commonly called high Tory opinions. But he was happy, now that he had been some time in office, and now that he knew what Lord Aberdeen's conduct really was, to have an opportunity afforded to him of stating, that he thought Lord Aberdeen, in the dispatches written by him during his brief tenure of the office of colonial secretary, manifested a spirit of liberality which reflected upon him the very highest degree of credit. He should be sorry if the opportunity had not been afforded to him of making that declaration, although he did not think that in the debate of 1835, he had said any thing that could be personally offensive to the noble Lord, or that went beyond fair polical hostility.

Sir *R. Peel:* I heartily rejoice that I gave to the noble Lord who has just sat down the opportunity of explaining a charge which was supposed to have been brought by him against my noble Friend —of expresssing his approbation of the conduct of Lord Aberdeen as Colonial Minister of this country, and of paying to him a tribute of praise, which I believe to be as justly deserved on the part of my noble Friend, as, I must say, it was creditable on the part of the noble Lord who paid it. I was surprised at the sensitive and irritable feelings which were displayed by the right hon. Gentleman who had but recently closed his address to the House. I should have thought that the Chancellor of the Exchequer, responsible for his public conduct, having filled the situation of Colonial Secretary, would have been content to vindicate himself from an imputation brought forward by my noble Friend (Lord Stanley); and brought forward, I must say, in no unkind or unfair spirit. I certainly think it an extraordinary principle for the right hon. Gentleman to lay down, that because his public conduct has been questioned in fair argument, he, therefore, has a right to attribute to him who questioned it a departure from those friendly feelings which had theretofore subsisted between the right hon. Gentleman and the noble Lord. I was surprised at the retaliation of the right hon. Gentleman. His conduct was fairly open to be questioned by my noble Friend. How was it possible to express an opinion upon the colonial policy of the Government, and to attribute the evils which we now assign to that policy, without subjecting the right hon. Gentleman's conduct to comment, and in some respects to animadversion. But let me ask the right hon. Gentleman, was it perfectly decorous in him to charge my noble Friend with misconduct in the colonial department, when he was himself a member of the same Government with my noble Friend. Your doctrine now is, that the whole of the Government is responsible for the act of any particular member of it. If that doctrine be well founded, with what decency do you, who were the colleagues of my noble Friend, attribute to him improper conduct in his administration of the duties of the colonial department. With what decency can you charge my noble Friend with improper conduct, when you, according to your own showing, shared in the responsibility of every thing he did. Who was it that after experience of his conduct in Ireland— who was it that called my noble Friend to administer the affairs of the colonial department at the very moment when the most important measure ever connected with that department was about to be submitted to Parliament. And do you quarrel now with my noble Friend upon the subject of the colonies? Did you then feel all the evils which you now profess to feel as arising from his promptitude and decision. If you had such a feeling in your mind, why did you not at once declare that you would not share in his responsibility. Why do you now come forward complaining of despatches which you say ought not to have been sent out, and to the sending out of which you attribute all the evils that have arisen in Canada? Would it not have been more becoming in you to have refused your sanction to the sending out of those despatches in the first instance than now, after the lapse of four years, to bring forward that act of my noble Friend as a matter of complaint when your own conduct is impugned? Was it upon the subject of Irish policy or of colonial policy that your union with my noble Friend terminated? Was it not on account of his steady and consistent adherence to principles which he declared he would never cease to follow? And when he left your Government, did you not all, *una voce,* admit that your chief pride and ornament had left you? Did you not all feel that you had lost him who had rescued you from a hundred difficulties, with which, but for his powerful aid you were unable to cope? Did you not all feel that you had lost the most powerful support of your government. I pay you the compliment of believing that you felt all this, because I know you said it. I know it was said by you that, upon public as well as upon personal grounds, you more deeply regretted your separation in public life from my noble Friend than any event that could possibly occur to you. Coming, now, to the more immediate subject of debate, I may state, that I shall proceed at once, without one word of unnecessary preliminary preface, to a consideration of the real questions at issue upon this occasion. They are two-fold; first the amendment we have proposed; second, the policy which that amendment calls in question. I make no apology for this amendment. This amendment is consistent with every opinion that I have given upon the subject of your colonial policy. That this amendment surprises you is no matter of astonishment to me; because it is an amendment utterly at variance with every principle upon which you have acted in public life. It is an amendment which partakes not of the character of ambiguity, dilatoriness, or irresolution. It is an amendment which contains the sentiments we avow—an amendment that in plain, direct, straightforward terms, arraigns the policy you have pursued. It asks for no confederacy with those to whose opinions we are opposed. It makes no truckling compromise with opposite principles, for the purpose of swelling the numbers of a division. It seeks to found upon it no compact, nor compact alliance. On the contrary, it declares the determination of the Conservative party in this House. It declares their determination to support the Crown and to maintain the authority of the Crown. It expresses satisfaction at the success of her Majesty's arms; but at the same time, consistently with that expression of satisfaction at the success of her Majesty's arms —consistently with that expression of a determination to uphold the authority of the Crown, it expresses in direct terms a want of confidence in the Government upon the subject of Canadian policy. And you cannot account for this! You fancy that it can only proceed from some pressure from behind. You are so uncharitable as to judge of us by yourselves. Knowing that in your own case the prevailing influence has been the pressure from behind, you suppose that no other persons can act, unless impelled by the same power. The noble Lord, the Secretary for Foreign Affairs, says, that fusion and coalition are the ultimate objects of the amendment. Although I repudiate altogether any concurrence in the motion of the hon. Baronet (Sir W. Molesworth), although an amendment has been moved which that hon. Baronet cannot support—although it must be well known that the hon. Baronet would disclaim concert with me, as much as I should disclaim concert with him on account of the extreme opinions which we entertain, yet, in spite of all this, the noble Lord (Lord Palmerston) cannot discover an assignable motive for this amendment, unless it be intended as the forerunner of a coalition between the hon. Baronet and myself. The amendment is objected to on various grounds. First, you say that we have concealed our feelings; that hitherto we have approved of your policy. Is that the fact? Did we approve of your policy during the discussion on the Canada Bill? Did I did not distinctly declare that I thought it was to the weak and vacillating conduct of the Ministry that the revolt in Canada has been mainly attributable? When I concurred in your address, and gave my sanction to your Bill, can it be said with truth that I approved of your policy? Did I not expressly declare, in the words of the amendment, that, although I would enable the Crown to vindicate its authority—although I cordially rejoiced in the success of her Majesty's arms,—yet, that it was to the irresolute, vacillating, and dilatory conduct of the Government that I attributed all the evils that had arisen in Canada? The hon. Gentleman, the under-Secretary for the Colonies (Sir George Grey) asks how it was possible for us to concur in the address voted to her Majesty, and why, if we entertained the sentiments we now express, we did not then move an amendment condemnatory of the Government? I will tell the hon. Gentleman why it was, that we did not. It was because the noble Lord (Lord John Russell) expressly invited us to concur in the address, saying that he did not mean, at that moment, to agitate the question of whether the Government were to blame or not. And this is the return that we meet with. This is what the noble Lord said, "The question which I wish to propose this evening to the House is whether they are prepared to maintain the authority of the Crown in Lower Canada, and not whether her Majesty's Ministers are to blame." And then the noble Lord went on to say, "If at any future time any hon. Member shall think fit to bring the question before the House, I shall be prepared to maintain that we, her Majesty's Ministers, are in no respects deserving of censure for the course we have adopted; but the only question for consideration tonight is, what course we ought to adopt for the maintenance of the authority of the Crown in the revolted provinces of Canada." We trusted the noble Lord, we trusted to the noble Lord, who told us not then to make it a party question. Yes, you told us that the first duty of the House of Commons was to rally round the Throne, and to maintain the authority of the Crown; you told us that to quell rebellion there should be an expression of unanimity on the part of the House; you told us that if we swelled the amount of your majority at that time, we should have an after opportunity, if we thought fit, of impugning the conduct of the Government. We believed you. We assented to your address; we moved no amendment, and now comes forward the Under-Secretary for the Colonies, and asks us how we can reconcile it with our sense of duty to censure the Government now, after having concurred with it upon the address moved immediately upon the reassembling of Parliament after the Christmas recess? The Vice-President of the Board of Trade, too, has made this charge upon us. "Sir," says the right hon. Gentleman, "whilst the issue of the rebellion was uncertain—when it was unknown whether the efforts of the revolt were effectually quelled, you indicated no opposition to the Government; you kept yourselves entirely in the back ground, and by your silence seemed to give assent to all that had been done; but now, when every thing is settled, you come forward to censure the Government." Why, to be sure, if ever there was an exhibition of greater fairness in a party, it was to be found in the very course which the right hon. Gentleman pointed out as being so extraordinary. When we heard of the defeat of the British arms—when the public mind in England was agitated—when the issue was uncertain—we did not come forward to create an undue prejudice against the Government by bringing its conduct under immediate consideration. "But now," says the right hon. Gentleman, "now you are prepared to do so." Did I shrink, when the Canada Bill was under consideration, from submitting to the House those amendments to that measure which I thought to be necessary? Did I show that want of political courage imputed to me by the right hon. Gentleman, of evading all mention of disturbing the Government while the issue was uncertain? Has the right hon. Gentleman so soon forgotten what passed in the discussion upon the Canada Bill? Did I not give notice whilst that Bill was under consideration that, as there were parts of it to which I decidedly objected, I meant to move amendments upon which I should take the sense of the House? Perhaps the right hon. Gentleman considered those amendments light and insignificant, and therefore had allowed them to escape his recollection. But the noble Lord (Lord John Russell) did not so consider them; for the noble Lord told me, that if I persisted in moving those amendments, and if I declared that I proposed them, not from a mere desire to rectify some of the details of the Bill, but because I dissented from the general Canadian policy of the Government, it would become a matter of grave consideration with the Government whether they would not immediately retire from office. Was not that distinctly intimated to me by the noble Lord? And was I able to give the noble Lord any consolatory assurance? Was I enabled to use one single gratifying expression in the answer I returned to the noble Lord? Did I not, after the express invitation of the noble Lord, distinctly state, that I adhered to every opinion I had previously expressed on the subject of the Canadian policy of the Government—that my objections were not objections of detail, but objections of principle, and had I not the satisfaction, after all, of finding the noble Lord adopt my amendment. Therefore, I do not consider myself liable to the charge, either of the Under Secretary for the Colonies, that we are now bringing forward an amendment which is inconsistent with our support of the first address to the Throne upon the subject; nor do I think myself liable to the charge of the right hon. Gentleman, the Vice-President of the Board of Trade, that when the issue of events was uncertain, I abstained from pressing such amendments to the Canada Bill as I thought material, after I was told that the pressing of them might endanger the existence of the Government. The right hon. Gentleman preferred another charge specifically against me. He asked me how it was possible for me to concur in a condemnation of the Government, seeing that I had been connected with an Administration which had mainly aggravated the difficulties of managing the affairs of Canada. The right hon. Gentleman contended, that the Government which had existed previously to 1828, when the Canada Committee was appointed, was the Government mainly chargeable with delinquency in respect of Canada. That being the opinion of the right hon. Gentleman, and being his opinion, I suppose the opinion of the Government also, I own it does somewhat surprise me, that the present Administration, when they came into power, showed no indisposition whatever to unite with some of those who had belonged to other Administrations existing previous to 1828, and who, of course, must be held responsible for any unwise or injurious measures that might have been adopted towards Canada. When the right hon. Gentleman, the Vice-President of the Board of Trade (Mr. Labouchere), and the hon. Gentleman, the Under Secretary for the Colonies (Sir George Grey), were dealing out so largely their invectives against Administrations which existed previously to 1828, they should have looked to their right hand and to their left, and remembered how many of their present colleagues were just as much chargeable with misconduct towards Canada as any of those who sit on this side of the House. The noble Lord (Lord Palmerston), the Secretary for Foreign Affairs, was connected with every Government that existed from the year 1800—I do not know when—down to the year 1827, and I see many Gentlemen upon the Ministerial benches who were connected with previous Governments in the same way. Why, then, if you objected so much to the colonial policy of the Administration which existed prior to 1828, why did you not mark your disapproval of it by refusing to enter into any kind of coalition with those who had in any way been parties to it? Was not Mr. Grant, the present Lord Glenelg, a member of the Government previous to 1828? But when you first came into office, what course did you pursue? Did you not take for your colonial secretary Lord Ripon, who had been connected with every government from the time of Lord Liverpool down to 1828. The very man whom you appointed minister for colonial affairs had been connected with that Government up to the year 1827. And what did you do with Mr. Wilmot Horton? He was the representative of the Colonial Department during the seven years preceding 1828. What course did you pursue with respect to him? Why, you absolutely appointed him Chief Governor of Ceylon—you selected him who had been representative of the Colonial-office in this House from the year 1822 to the year 1828, during the time of these enormities of our Government, to fill one of the highest stations in the colonies you had it in your power to bestow. Was it possible that you could condemn that policy when one of the very men who administered it from the year 1822 to 1828 was appointed Colonial Secretary; and another of his friends was appointed a chief governor of Ceylon? But the right hon. Gentleman mistakes the point at issue; and so does every one on his side of the House. We do not deny the great difficulty attending the administration of affairs in Canada. There were great difficulties, some arising perhaps from neglect on the part of former Administrations, but the greater part inseparable from the state of society in Canada: inseparable from the fact, that a great mass of the population was of one religion, while those possessed of wealth, intelligence, energy, and education, belonged to another; this being aggravated by other evils peculiar to Canadian society. But what is the charge against her Majesty's Government? It is not a denial that they had difficulties to contend with, but the charge we prefer against them is this—that the revolt in Canada—the necessity of putting down that revolt by force of arms—the necessity of extreme severity by the suspension of constitutional rights — might have been averted if ordinary foresight and ordinary vigilance had been exercised. And I do conscientiously believe that proof showing to demonstration the truth of that charge can be adduced from the papers which are now lying before me. While admitting the difficulties with which you had to contend, as well as former administrations, arising from the state of society in Canada, I feel perfectly confident if I had to argue this question before twelve men who were entire masters of these documents that I should obtain a verdict of guilty against you, and an affirmation of the charge that there have been vacillation, irresolution, and want of foresight, in your policy sufficient to account for the revolt that broke out in Canada. Again, you say that the charge brought against you is, that your course has been conciliatory. That is not my charge against you. It is not that it has been a conciliatory course; but that you have shown your disposition to conciliate at a wrong time; that your policy has been characterised by inactivity at one moment, and by superfluous and uncalled-for activity at another. I will proceed to show the contrast between your policy and that which was pursued by Lord Aberdeen, whose was not a policy employing force, not a policy of uncalled-for and misplaced rigour, but a policy with which I challenge you to the proof that yours will not suffer in the comparison. When Lord Aberdeen entered office in 1835, he proceeded at once to the consideration of the affairs of Canada. The right hon. Gentleman has referred to a dispatch prepared by my noble Friend, Lord Aberdeen, and having done so, I think it but fair that he should produce that dispatch. He has no right to show that there existed any inconsistency between me and my noble Friend, from the contents of a dispatch remaining in the Colonial-office, when that dispatch was not before Parliament. I am placed in a disadvantageous position with respect to my noble Friend by a dispatch being quoted which is not before the House, and the right hon. Gentleman deals in an unfair manner towards me, unless he mean to produce a copy of the dispatch from which he has quoted. But, Sir, this I say with respect to that dispatch, that my noble Friend in 1835 was prepared to make an immediate settlement of every important disputed question in Canada, reserving for future inquiry matters of subordinate detail. But you, the Ministers, allowed two years to pass away after my noble Friend was prepared to settle all the points in dispute before you brought forward your resolutions which were the result of the commission which you issued. And those resolutions did not propose the settlement of any single litigated point which two years before Lord Aberdeen had not given Lord Amherst ample powers to settle. I challenge the right hon. Gentleman to contradict that statement. The only difference between your resolutions and the course proposed to be pursued by Lord Aberdeen is this—that you proposed to take money from the Canadians without their consent; whereas Lord Aberdeen did not propose any such thing. Lord Aberdeen gave full and positive instructions to Lord Amherst upon all the points involved in Canadian affairs; he gave positive instructions with respect to the Legislative Council, to the Tenures' Act, to the Trade Act, to the pending financial question, and, in short, to every point that demanded the attention of the Government. He told Lord Amherst that his duty was to remove all grounds of complaint still unredressed, and to apply efficacious remedies to every existing grievance. This he was to accomplish effectually. But, says the right hon. Gentleman, Lord Aberdeen proposed to give up the territorial and casual revenues to the House of Assembly. It is true Lord Aberdeen did propose to do so, but upon express conditions, and the revenues were not to be given up till the conditions were fulfilled. Instead of entering upon an indefinite inquiry into the state of Canada, at a time when the minds of men were inflamed, and wanted not a fresh inquiry, but a redress of grievances, the course taken by my noble Friend was to send out a single commissioner with instructions, not couched in equivocal language, admitting of doubt, and raising questions as to the intentions of those who prepared them; but my noble Friend said to Lord Amherst—"Go forth to Canada—tell them that the whole of the territorial and casual revenues shall be given up, but upon these express conditions: first, that a civil list for the payment of the salaries of civil officers shall be granted; secondly, that the salaries of the judges shall be provided for; thirdly, that funds shall be provided to meet casual expenses; and fourthly, that every payment for which the faith of the government was pledged shall be promptly provided for." These were the conditions; and Lord Amherst was told, that if the House of Assembly rejected them, they would then be in the wrong, and it would become the duty of the imperial Government to consider what steps ought afterwards to be taken. My noble Friend said to the Canadians, "I am willing to listen to any proposal for an amicable settlement respecting the constitution of the Legislative Council;" but did my noble Friend palter with them in a double sense? No. He said distinctly, that the constitution of the colonial government shall be so far respected that the Legislative Council shall not be an elective council, and that the Executive Council shall not be responsible to the House of Assembly. So that my noble Friend distinctly stated, on every point, what was the course the Government intended to pursue, and what were the terms offered to the Canadian assembly; but certainly, in case of Lord Amherst's failure, my noble Friend reserved to himself the opportunity of considering what course it would be proper for him, in that event, to adopt. Now, what is the course which her Majesty's Government has adopted? They first appointed commissioners to go forth to Canada and institute inquiries, after every subject of inquiry had been exhausted, and after evidence had been obtained which more overburdened than instructed them. With the Canadians panting for something effectual to be done, you send out three gentlemen as Commissioners, after all the inquiries of 1833 and 1834, for the purpose of inquiring anew. Here lying before me, is the report of those Commissioners; and I will say (although I am not desirous of saying anything in the absence of the right hon. Baronet, (Sir Charles Grey) which I would not say in his presence—but if ever any document was calculated to throw ridicule upon a government commission, upon those who were in chief authority, and to excite and inflame discontent, it is the report of these Commissioners, who were so selected that it was almost certain they would differ, and the expectation of whose difference of opinion has been realised by the event. Of this every man may satisfy himself who reads this report. If the right hon. Gentleman (Sir Charles Grey) be present, would he allow me to refresh his memory with some of his own expressions with respect to this commission. The Commissioners were instructed, among other things, to make a report in reference to the Executive Council, and they accordingly make a report which the right hon. Gentleman signs. But the moment he signed that report, he attached a remonstrance against it; and another of the three Commissioners also attached a remonstrance against his own report, and then the chief Commissioner comes in, and

"His decision more embroils the fray."

The Commissioners made a report on the Executive Council, which was signed by Lord Gosford, Sir George Gipps, and Sir Charles Grey. The very next paper is one bearing the signature of Sir Charles Edward Grey only, and contains what is called a statement of his difference of opinion upon the third report of the Commissioners, and the hon. Gentleman thus expresses himself:—My principal objection to the present report is, that having in the 12th, 14th, 16th, and 17th paragraphs shown very forcibly and truly that an Executive Council, removable at the will of the Assembly, would be incompatible with the subordination of the province to the empire, we recommend measures in the 30th, 32d, 34th, 35th, 36th, and 38th paragraphs, which, taken in conjunction with the recommendation of the majority of the Commissioners in the first report, would create the institution we have decried." Just conceive the Commissioners thus divided in opinion on a question on which the wishes of the people were fully made up. The right hon. Gentlemen opposite sent out three Commissioners to make a report on the propriety of granting an Elective Legislative Council; and in their general report they say, in paragraphs 12, 14, 16, and 17, that they have insuperable objections to making the Executive Council elective; and yet, in paragraphs 30, 32, 34, 35, 36, and 38, they admit that it seems desirable: and this they said with the view of throwing oil over the troubled waters of discontent.

Would hon. Gentlemen opposite undertake to say, that if the propositions of my noble Friend, Lord Aberdeen, had been adopted in 1835, that they would not have had an entirely different effect? Was it the same thing, that they were adopted two years afterwards? Are two years nothing in the history of a discontented people? [*Cheers.*] If hon. Gentlemen mean by their cheers to remind me of Ireland, and refer to the experience which they have had of the effects of delay with respect to that country, do they consider delay is not a condemnation of the Goverment as to Canada? You point a most harmless sarcasm at me, but through my sides you inflict a fatal wound upon yourselves? If in Ireland the state of discontent has been aggravated by delay, what will you say of the Government delay with respect to Canada? Upon this point I will commence with the authority of the hon. Gentleman who spoke last night, and who then said that delay was of no consequence. What, however, did the hon. Gentleman say in his published report? He said, "I cannot express as I could wish the importance which ought to be attached to a prompt use of the opportunity which is presented by the address of the Assembly to his Majesty." This was written in 1836, a year after Lord Aberdeen had been out of office; but what further said the hon. Gentleman? "If it," that is, the opportunity, "be missed, the Government will go rapidly down the stream; if it be rightly—by which I mean temperately but firmly—used, I see nothing in Canadian affairs which, with skill and forbearance, is not capable of adjustment." I have the authority, then, of the hon. Gentleman that the differences were capable of adjustment, and that the colony was not in so bad a state that it might not be brought safely out of its troubles. I rely on no statement of my own, I trust only to the evidence of your own Commissioners, of your own officers; and by that evidence, as I told you, I will show that on your delay I rightly charge the revolt which has broken out in Canada. I have shown here, from the evidence of one of your own Commissioners, who in his speech of last night absolved you from all blame, that he was of opinion, in March, 1836, that he hoped for a satisfactory adjustment, and that he then "saw nothing in Canadian affairs which, with skill and forbearance, was not capable of adjustment;" and yet the same hon. Gentleman asked last night, with an air of triumph, whether, if the propositions sent out to Lord Amherst had been produced to the Assembly, they would not have been rejected. What right had the hon. Gentleman to peak with so much certainty of the fate of propositions which have never been made to the Assembly? The intentions of Lord Aberdeen were but the opinions adopted last year by the Government, and embodied in the resolutions then proposed to the House; the Commissioners suggested nothing more than was contained in the instructions sent out by Lord Aberdeen, to Lord Amherst, with this exception, that Lord Aberdeen had said that what was to be done should be accomplished only on the Assembly agreeing to discharge the arrears due to the civil authorities and the judges, and enabling those officers to perform their functions. On the granting of these supplies, the Colonial-office was willing to consider fair proposals; and if after his noble Friend's propositions had been laid before the Legislative Assembly, offering to give the Members a control over the public revenues, on condition of a proper provision being made for the civil List, and for the due payment of the salaries of the judges and of the civil officers—if after that the Assembly had rejected the offer, his noble Friend would have come to Parliament for assistance; he would have stated, that the offer had been made and that it had been rejected—that Government had no other source on which to depend for the payment of the salaries of the judicial and other functionaries than on the produce of the Crown revenues. The Parliament would have acted upon this, and would have granted a sum within its control, and the conduct of the Government would have prevented an outbreak. I can show, Sir, that the exact contrary course has been pursued—that the hopes held out of an amicable settlement have been defeated in consequence of the unlucky accidents and the conduct of the Government and of their officers, notwithstanding that it had been distinctly stated that there was every reasonable prospect of an amicable adjustment. In one place Lord Glenelg atattached the utmost importance to the preservation of strict secrecy as to the instructions given to the Commissioners, and said that the strict preservation of this silence was essential to the success of their mission, but observed that he could not too earnestly enjoin their great circumspection in this respect; that no indiscreet word should pass, or reference be made to them, but that even in the questions proposed to a witness, and in the very manner and tone in which they were put, this habitual caution should be preserved. Allow me to ask how these instructions were to be accomplished? What was the particular look which the Commissioner was to put on, when a person was under examination to prevent him from having any suspicion of the Commissioner's opinions or instructions. Lord Glenelg said, that this silence was most essential to the success of the mission — that great circumspection was to be used, and that this habitual caution was to be preserved—and finished by saying that this course was of the utmost importance for the prevention of jealousies, and to keep alive the goodwill of the Canadians. The Commissioners went out; and Lord Gosford opened the Legislative Assembly in a speech which was well calculated to raise false hopes on behalf of the Canadians. He had not read his instructions to the Assembly; and though his speech was so worded, and was so equivocal, that to an unpractised eye it left the whole matter open, yet in the instructions it was the manifest intention of Government that the Legislative Council should not be rendered elective. If I wanted an instance of misleading I could not select a more flagrant one. Lord Gosford, indeed, stated in round terms that the constitution would be supported by the Government, which was willing, however, to sanction such reforms as did not militate against the integrity of the institutions of the country. No man could doubt that he would have declared against an Elective Council; but instead of so doing his Lordship said, that if the Assembly desired an Elective Council they might express their opinions on the subject to the Government, and thus the Assembly was left without the means of ascertaining the intentions of the Government, though it was evident to those versed in the perusal of dispatches that there was to be no Elective Council. You allowed, however, Lord Gosford to go to Canada, and when he got there he delivered a speech to the Assembly, in which it was left extremely doubtful whether the Canadians were to have a Legislative Council or not, or whether even the question was perfectly open for consideration. And what was the result? The Canadian Assembly voted an address to the Governor, not precisely agreeing with the former hope of adjustment. I wish to establish one or two of these points of policy as a specimen of what might easily be extended to ten or twelve others, and to entreat the particular attention of this House to them, that they may hear what answer the noble Lord can make to them. After the first speech of Lord Gosford, all hope of adjustment and accommodation was at an end. Sir George Gipps said, "I did not think that we were ever at liberty to publish the instructions, and even if we had done so, no good effect could have been produced. We were so far successful that there was every reasonable prospect that on the 9th of the last month the arrears of the last three years and the supplies for the current year would have been granted." It is one of your own Commissioners who says this, as if the first speech of Lord Gosford had had so much effect on the Assembly as to induce them to grant the arrears of the supplies for three years. Then what afterwards took place? These instructions, which Lord Gosford had withheld, stating the importance of their being kept secret, were published *in extenso* by Sir F. B. Head in Upper Canada. And what was the consequence? "We had," said Sir George Gipps, "the most complete assurance that on the 9th of March, 1836, the determination to grant supplies for three years was adopted and approved of at a meeting of the persons of the greatest influence in the Assembly, the question being to come on, on the 9th, when on that day, however, the dispatches, which had been published in Upper Canada, reached Quebec, and the course of proceeding was at once changed. The question of arrears was at once set aside, supplies for six months were granted, and now the majority of thirty-four or thirty-five was once more reduced to the old minority of .eight, though the question of supply had been carried by thirty-five against forty-seven." Now what does this show? That in the first communication made by Lord Gosford the minority in the Assembly was thirty-five to forty-seven. Sir Charles Grey and Sir George Gipps said, that in a private meeting of the leaders of the Assembly it was determined to grant three years' arrears of supplies;

your instructions are then published, and your minority is reduced from thirty-five to eight, and all hopes of accomplishing the end so much desired are thus lost, in consequence of the misconduct of your own officer. Then what said Lord Gosford? He gave the same account of the matter. Every hope which had been entertained failed, and whose fault was it—what was the cause of this—the publication of the instructions occurred? Lord Glenelg communicated the dispatches to Sir F. Head, and although in Lower Canada he had forbidden their publication, he said nothing on that subject with regard to Upper Canada—he gave no command that there should be any caution exercised in their publication, but on the contrary, he told Sir F. Head that he must lay the substance of the dispatches before the Assembly in Upper Canada. It was conceived necessary that the two colonies, being closely connected, the Assembly of Upper Canada should be made acquainted with the intentions of the Government, and so by this course every hope of an amicable settlement was destroyed. Is not this a case, then, in which, from want of foresight, and from irresolute conduct on the part of the Ministers, a great evil has arisen? You well knew the state in which the country was; there was a disaffected and dissatisfied body then ready to take advantage of every blunder or false step which you might make; and was it not, therefore, the more imperatively your duty to take care that you did not give an opportunity to them to improve their position against you, in consequence of your apparent negligence? You pursued the same course with reference to the Executive Government. You deluded them there, too, with false hopes. I am not charging you with any want of conciliation; but that it was through your vacillations and your blunders, that the reasonable hopes which had been entertained of an amicable adjustment were taken away. Then again you gave the dissatisfied parties a great advantage over you, on account of your exciting hopes for the improvement of the Executive Council. Now that is the only other point to which I will refer, the noble Lord, the Member for North Lancashire having already alluded to the Legislative Council. Now, how stood the Executive Council? When you proposed resolutions last year, one of the conditions on which you gained the assistance of public men was, that you would make some improvements in the constitution of the Executive Council. The privileges and favours, and acts of grace, by granting which you were disposed to reconcile men for the loss of their constitutional privileges, was the very same improvement which you had before promised in the same terms in which your resolutions were couched. A future improvement was promised with respect to them; but would any man for one moment doubt, that at the same time that you made the communication you should have been ready with your act of grace. Can any man doubt that the country being in the state in which it was, the people being divided, and each party seeking to take advantage of any laches which the Government might make, that it was the duty of the Government to deprive them of the opportunity of saying "You have made promises which you have not performed; you did not do as you declared you would; but you have made some vain excuse for your neglect?" In 1836, what said the Committee with regard to the Executive Council? I want to show you the conduct of your own officers, for there can be nothing more singular than their conduct. On the 14th of March, 1836, Sir G. Gipps said, and I request the House to pay attention to what was his evident feeling on the subject—"As the governor, in his speech, on the 27th of October, 1835, declared the constitution of the Executive Council to be vicious, and promised some alteration, I think we may be expected by this time to have adopted some settled opinion with respect to the alteration which it is proposed shall be made." Why, here is the opinion of your own Commissioner, who thinks that some alteration having been promised in the Executive Council, by the governor, in the month of October, 1835, every one would be struck with the idea that, six months having elapsed, sufficient time had been allowed for the Government to make up their minds. In 1837, it appears, matters have got into such a state that the Government is obliged to take fresh means, and they again promise some improvement in the Executive Council, and then Lord Gosford writes that there is no further excuse for prôcrastination; but still when the time comes, nothing is done on the subject of the Executive Council. You knew the state in which the colony was, but in spite of that, you lay resolutions on the Table of the House of Commons. You knew the position of the colony then as well as you did when Lord Gosford made his last speech, and why not say that the difficulties were insuperable, or why not at first take the course which you were afterwards compelled to take? Why not say to Lord Gosford, "We are unable to make a selection, we have implicit confidence in you, and we tell you beforehand, we leave it to you to make the selection, and therefore, exercise the utmost vigilance, and make that selection which appears to be the best." Here we have another instance, and it is the last to which I shall refer, of the failure of the hope of an amicable settlement being come to, and in this case it proceeded from your not having fulfilled the promises which you made. I have thought it best to go into these minute cases, because, if I had dealt in declamation, the noble Lord would have said that I rested my case on general statements of charges without having cited any specific case, or without having drawn the attention of the House to any positive instance in which false hopes had been raised and had not then been realised. I have endeavoured to show a few instances in reference to the conduct of Government respecting the Executive Council, and also in respect of the instructions forwarded to Sir F. Head, and that it was in consequence of your own acts in those instances that the difficulties arose. I will not go into the question with respect to the military force, but it appears to me that there is proof that three years ago there were parties in Canada who were influenced by different feelings in politics and sufficient warning should have been deemed to be given by that circumstance alone to have induced the Government to see the necessity of having a sufficient force in the colony to meet the advances of either party without one party being called upon to contend with the other. It was not merely your duty to suppress the revolt when it should take place, but you should also have been prepared to meet it with your own power, and without the necessity of calling on either party to defend the colony by means of its voluntary aid. On these grounds it is, that I feel justified in giving my support to the resolution of the noble Lord, with a view to expressing my opinion on your conduct with reference to Canada. I am not forced to bring the motion forward in consequence of any pressure from without; but because an hon. Gentleman gave notice that he should call the attention of the House to the colonial policy, and I wished to know in what position I and the party with which I have the honour to act are placed in reference to that motion. At the same time, as I said before, I shall make no apology to the House. But this is a perfectly novel proposition, that the motion should not be agreed to, because there is a chance of displacing the Government by it. There is no defence urged by hon. Gentlemen opposite, who state they shall oppose both the original motion and the amendments of the Canadian policy of the Government. You have not a word to say in vindication of the charge of vacillation and irresolution brought against the Government. Every hon. Gentleman on the other side, who is not connected with the Government, who has addressed the House in the course of the present debate, has abandoned this point, and has admitted that the conduct of the colonial department has been characterised by vacillation, irresolution, and want of foresight. The first hon. Member who addressed the House last night after the noble Lord the Secretay for Foreign Affairs, was the hon. Member for Marylebone, who said—I took his words down at the time—"I think that the Canadian policy of the Government is exceedingly bad," although the noble Lord the Foreign Secretary, who spoke immediately before the hon. Gentleman, had said that the Canadian policy of the Government was the first and brightest gem in the course of policy pursued by the present Government. The hon. Gentleman was followed by other hon. Members on the same side, who declined voting for the amendment; but, at the same time, every one of these hon. Gentlemen said, that he could not approve of the conduct of Government as regarded the affairs of Canada; but all joined in a general chorus against the amendment, because they said they thought, if it were successful. we should succeed to office. Was this a sufficient reason for withholding assent to the proposition before the House? The right hon. Gentleman, however, had been searching for grounds of consolation for a beaten government. The right hon. Gentleman read an amusing piece of writing as to the degree of beating which a government could receive consistently with its continuance in office. The right hon. Gentleman looked back under the infliction of the stripes received last week—for, out of the five divisions which took place last week, the government were beaten upon four of them—for some consolation to the number of defeats sustained by former administrations. I will apply, said the right hon. Gentleman, to the records of past beatings to see what degree a government can sustain, and continue to exist. The right hon. Gentleman quoted several occasions where former Governments had continued after being defeated, and quoted the instance of the salt-tax and other measures, when, he said, the Tory Government were severely beaten. I could, however, in addition to the cases quoted by the right hon. Gentleman, mention other instances of men remaining in office after repeated beatings. Notwithstanding the conduct of all that have preceded us, notwithstanding all the cases quoted by the right hon. Gentleman, and notwithstanding, what I never doubted, his tenacity of life under the infliction of a severe beating —tenacity, however, which I admit is produced by the same motive which influenced myself while in office, namely, a sense of duty to those with whom I acted—I am afraid that the right hon. Gentleman, with all his tenacity of life, could hardly survive, if beaten under the present circumstances. The right hon. Gentleman asked, how can we persevere in our amendment, seeing we are incapable to form a government, in case we should drive the present Administration from office. But I trust that we are to come to a division on the Colonial policy of the Government, not on our power to form an administration. I have not to consider, at the present moment, what Government could be formed. I have only to look to what the honour of the Conservative party demands, for the purpose of vindicating their heretofore expressed opinions as to the misconduct and weakness of the Government in its Canadian policy. The hon. Baronet brings forward a motion on the subject, and what would the right hon. Gentleman have me do? Would he have me absent myself from the House altogether? Not to appear here and avow my opinion, as long as I have a seat in the House, would be a course of proceeding to which I shall never assent. I might be compelled to give my vote on any particular question from a sense of duty, or a question might be put in such a way, that I could give no opinion either on the one side or the other; but this I never would consent to, namely, to refuse to appear here, and abstain from expressing my opinion on any particular line of policy. This is what I have never done, and it is what I never will consent to. But would the right hon. Gentleman have us to move the previous question? Alas! you have so damaged the previous question, that, for some time to come, no Gentleman will like to be seen in its company. After the exhibition you made of the previous question last week, you can hardly wish for the renewal of it; and what would you say to me if I proposed it, for the purpose of shielding and protecting you? I cannot vote for the motion of the hon. Baronet, the Member for Leeds, as I think the motion is unjust in its nature. If a Minister of the Crown had committed, in his particular department of the Government, some act of gross neglect or malversation, or some act for which he was singly responsible, it would be perfectly right that the House of Commons should signify to the Crown its reasons for demanding the removal of the Minister from the councils of the Sovereign. In this instance, however, the charge against Lord Glenelg involves an attack on the whole course and policy of the colonial government. But, according to the motion of the hon. Gentleman, his object would apparently be attained by the removal of Lord Glenelg from the colonial department, and the substitution of himself, or any other liberal politician in the place of that noble Lord. This, however, will not satisfy me, for you will only relieve all the rest of the Government from any responsibility by making the sacrifice of one individual Minister, whom you will replace by another individual. The hon. Gentleman said that his object was to visit the whole Government with censure. Why, then, does the hon. Gentleman propose to remove one Minister with the view of punishing the whole? Why not regard the colonial policy of the Government, not as the act of one Minister, but of the whole Cabinet, and call on the House to express an opinion on it? The noble Lord the Secretary for Foreign Affairs made a proposition which would have removed some of the difficulties they now experienced—the noble Lord might have pursued a course which, after the panegyric he passed on his noble Friend the Colonial Secretary, appeared to be the natural course, the noble Lord might have moved a counter-resolution implying the approbation of the House for the colonial policy of the Government. The hon. Baronet gave the noble Lord such a fair opportunity that I cannot understand how flesh and blood could hear an attached friend assailed in the way in which the noble Lord the Colonial Secretary was attacked without coming forward to his rescue with such a proposition, and I cannot help feeling that the noble Lord the Secretary for the Home Department will still adopt this suggestion, as he adopted my amendments to the Canada Bill. If the noble Lord opposite will propose the counter-resolution approving of the colonial policy of the Government, I will venture to promise on the part of my noble Friend, the Member for Liverpool, that my noble Friend will waive his resolution, and will consent to fight the battle upon this point of the resolution alone. The hon. Baronet proposed, " That an humble address be presented to her Majesty, respectfully expressing the opinion of this House that, in the present critical state of many of her Majesty's foreign possessions in various parts of the world, it is essential to the well-being of her Majesty's colonial empire, and of the many and important domestic interests which depend on the prosperity of the colonies, that the colonial Minister should be a person in whose diligence, forethought, judgment, activity, and firmness this House and the public may be able to place reliance." That hon. Members mean to negative a resolution which sets forth such an extraordinary collection of qualities in an individual, is not surprising. But it is rather hard on the part of the noble Lords and the right hon. Gentlemen opposite to give a direct negative to the proposition that another Minister of the Crown—their colleagues in office—should be a man of diligence, forethought, judgment, activity, and firmness. I certainly cannot agree to the hon. Baronet's motion, but I trust that a distinct vote of approbation of the Canadian policy of the Government will be proposed, upon which the sense of the House can be taken. For the resolution of the hon. Baronet, another might be proposed which might run thus:—" That an humble address be presented to her Majesty, respectfully expressing the opinion of this House that, in the present critical state of many of her Majesty's foreign possessions in various parts of the world, it is essential to the well-being of her Majesty's colonial empire, and of the many and important domestic interests which depend on the prosperity of the colonies, that the Colonial Minister should be a person in whose diligence, forethought, judgment, activity, and firmness this House and the public may be able to place reliance; and seeing that the noble Lord at the head of the colonial department does embody in himself these various qualities of diligence, forethought, judgment, activity, and firmness, this House is of opinion that the administration of the affairs of the colonies of this country should continue to be committed to the noble Lord." That is the amendment which I suggest, and if it is taken up by the noble Lord, we will withdraw the proposition which we have made, and divide on the noble Lord's resolution. And observe, the noble Lord has a recent and powerful precedent in favour of such a course. When hon. Gentlemen in opposition attacked the Spanish policy of Mr. Canning, Mr. Canning did not content himself with a mere rejection of the resolution; he moved no previous question; he proposed no direct negative; but he moved a counter resolution, expressing the entire confidence of the House in the line of policy which had been attacked. This is the most recent example of the sort, and its adoption by the noble Lord on the present occasion will remove every difficulty. The proceeding of the noble Lord has considerably amused me; for after loudly panegyrising the noble Lord in another House—to whose great talents and high character I bear willing testimony—after having gone over the terraqueous globe, for evidences in favour of that noble Lord, the noble Lord opposite assumed this bold attitude of defiance: he said, " I will move no previous question; I will leave the previous question as a shelter for others; I will"—I thought the noble Lord had been going to propose a resolution of perpetual confidence in Lord Glenelg—but, said the noble Lord, " I will meet the motion with a flat negative." Surely noble and hon. Members will not let the occasion pass over without some faint testimony of approbation of the unhappy victim singled out by the hon. Baronet. Sir, I repeat I cannot vote for the motion of the hon. Baronet, because I think it unjust; but at the same time I cannot vote to negative the motion, because this latter course might be considered as an implied approbation of the Canadian policy of Ministers. But this being the case, will the noble Lord tell me what course it is which he would have advised us, who entertain strong opinions on the subject, to pursue, or what pretence of a charge there is against us for having embodied our own opinions in resolutions directly charging the Government as the cause of the evils which have taken place in Canada. Sir, I do not know what the result of this motion may be: but this I know, that the course which has been adopted by the other side of the House on this debate, of appealing to the political partialities of friends, instead of relying on the justice of the cause, instead of showing that the charges are unfounded, convince me that it is entirely impossible for us—the terms being adhered to in which the resolution was mooted—to meet it in any other way than by a distinct declaration of our opinions. At the same time, it is equally for the honour of the party with which I am connected, that whatever may be the result of the amendment, it should be so framed as to express the feeling on one point of even those Gentlemen who, while they differ from us as to the Government principles of colonial policy, cannot refuse, at least, to approve of our sentiment of exultation at the success of her Majesty's arms, and the restoration of tranquillity in Canada. Of this I am sure, that we should have been charged by you with weakness, and timidity, if we had adopted an evasive course, and that we should have been degraded and dishonoured if, when we found ourselves compelled to approach a discussion on the Canadian policy of the Government, we had shrunk from declaring that we reprobated the system which had been pursued, and that, manfully adhering to the opinions which we have always expressed, while we are determined to support the authority of the Crown, we will visit with our censure those who we think were the real authors of the revolt, and who have contributed to undermine the power, and weaken the resources of this great empire.

Lord *John Russell:* spoke to the following effect:—Rejoiced as I am, Sir, that we have now a direct vote of censure on the conduct of the Government proposed on the opposite side of the House, yet I cannot forbear, more especially after the declaration of the right hon. Baronet, in the commencement of his speech—I cannot forbear noticing in what a singular manner and at what an extraordinary time, this proposition has been brought forward. Sir, we, at great length, discussed the affairs of Canada a few weeks back—we went on with a bill on the subject, containing provisions of great importance respecting the government of Canada, and we passed enactments by which extraordinary dictatorial powers are conferred upon the person who should be elected governor of that province. In the course of that debate arose the question as to the instructions to be given to the governor, and on that point especially we called on hon. Gentlemen opposite if they wished to condemn the Government, to take that opportunity of doing so; but then, the right hon. Gentleman expressly stated that he had no intention of moving any such condemnation. The noble Lord says, and truly, that he meant no condemnation as to the instructions; but does any one imagine that the right hon. Gentleman, the leader of a great party in the House, would for a moment say, that he would not interfere with the policy of Government respecting Canada—that he left it to the Ministers to carry into effect the measure about to be undertaken—that he left it to them to invest, under that measure, an individual of almost despotic powers—if, at the same time, he felt that the policy of those Ministers on that subject called for condemnation—if he thought them incapable of carrying that measure into operation. Sir, had he, the right hon. Gentleman, acted in such a manner, having all the time an intention to move or concur in a vote of censure upon Government, in reference to that part of their policy—I say, Sir, that the right hon. Baronet would have been eminently guilty of duplicity towards the House, and towards us who sit here. But the fact is, that the right hon. Baronet had no such intention. The intention of the right hon. Baronet was evidently that this power, vast and unusual as it was, should be confided to the Secretary of State for the Colonies, and to the Governor nominated for Canada under the responsibility of the present administration. The hon. Member for Leeds has come forward with a motion specifically pointing out the noble Secretary for the Colonies. Now, if the hon. Baronet were the representative of a considerable party in this House—if he came forward as the chief (as the noble Lord opposite had ironically described him to be) of a party prepared to take on themselves the Government of the country, there might be something in the motion. But what is the motion which the hon. Baronet brought forward? His motion, on his own showing, rests on grounds merely special to himself. He travelled over all the colonies in the habitable and in the uninhabitable parts of the globe, and entered into an inquiry as to their general condition, and as to the policy pursued by the various administrations by which they had been governed. What said my noble Friend, the Member for Liverpool? Did he go through any of those subjects? No, he left the whole of them untouched. He took no notice of the miserable condition of the aborigines of New Zealand, or of those miserable disputes between the Caffres and the Hottentots, or of the disturbed state of the Mauritius, which proves to be in a state of perfect tranquillity. He took no notice of the present or probable condition of the apprentices in the West-India islands, but he fixed at once on this subject of Canada, and said, "It is true, this notice has reference, I imagine, to Canadian affairs, but here is an opportunity of censuring her Majesty's Ministers; the occasion is too good to be lost, and those who are eager for a vote of disapprobation of the Government should know that now is the time to move it, and let the vote be carried on the subject of the Canadian government." I must say, that in my opinion, the conduct of the hon. Gentlemen who allowed the resolutions to go by with no intimation that they intended to make such a motion as this was most extraordinary. I cannot but entertain the belief, which I think must also be entertained by most others, that the proper time for the motion, if it was intended, was, not indeed on that day of the Session when the Address was moved, or when the bill relating to Canada was first brought under discussion, but that bill should not have been allowed finally to pass without some notice that it was the intention of the hon. Gentlemen opposite to bring forward this motion. That they did not do so, I fully attribute to what the right hon. Gentleman says, is not a "compact alliance," but it is, perhaps, a compact union. It is, perhaps, a union of Gentlemen, many of them differing in prudence and temper from the right hon. Baronet, but who have proved themselves at the present time to have a mastery over his councils. I have observed the party opposite during some years under different circumstances, of adversity and prosperity, and it certainly has appeared to me that in their latter days, the observation has peculiarly applied to them which was made of old, that "parties are like serpents, and are moved by their tails." [*Cheers.*] I understand those cheers, but I do not think that the remark is so applicable to the small party that has been so much referred to, as it is at the present moment to those who are as strong in numbers as any similar party that ever existed in this House. The course of the right hon. Baronet during the progress of the Canadian bill, I should have thought would have been this: that he would have proposed amendments to the bill, and said, "Those amendments may be rejected by the Government, but I must propose them, even though the consequences be that the Government should be obliged to resign office." Such is the conduct I should have expected from the right hon. Baronet; but this conduct after the bill has been disposed of, and when no notice of his intention has been given—for him to propose a general vote of censure against the Government merely because the hon. Member for Leeds, has submitted a motion which has certainly met with very little support from either side of the House—such a proceeding I must say, is as unlike any of the former conduct of the right hon. Baronet as it is unlike any conduct that I have ever seen on the part of Gentlemen in Opposition. With respect to the charge that has been made in relation to the affairs of Canada, it appears to me that there never was a time when a charge of this nature, the foundation of a motion of censure by the House of Commons, brought forward for the purpose of removing a Ministry, was made on a ground so slight; and I will take, in the first place, a precedent to show under what circumstances a person of a very great name, and connected with a great party, brought forward a similar question. The period of which I am speaking was at the end of the American war. Lord J. Cavendish, on the 8th of March, 1782, brought forward these resolutions:—"1. That it appears to this House that the money voted for the army, navy, and ordnance, and the debts already incurred, and laid before this House, since the year 1775, exceed the sum of one hundred millions. 2. That during the above period we have lost the thirteen colonies of America, which anciently belonged to the Crown of Great Britain (except the posts of New York, Charlestown, and Savannah) the newly-acquired colony of Florida, many of our valuable West India and other islands, and those that remain are in the most imminent danger. 3. That Great Britain is at present engaged in an expensive war with America, France, Spain, and Holland, without a single ally. 4. That the chief cause of all these misfortunes has been the want of foresight and ability in his Majesty's Ministers." Now, if we go through these resolutions, what do we find to be the facts on which they were founded, and how do they contrast with the present case? First, a permanent expenditure had been fixed on the country to the extent of perhaps half a million, and no success attended the resistance to revolt. Secondly, neither the counsels of her Majesty's Ministers nor the force of arms had preserved to this country her colonies. Thirdly, this country was not in a state of peace with all the great powers of Europe and the world. Having here, then, results, precisely the opposite of those of the Canadian revolt, to which the American war has been improperly compared, how can the House now come to a resolution of censure on the ground of a want of foresight and ability in her Majesty's Ministers? What is the case of the hon. Gentlemen opposite? That the rebellion has been successful? No. That there has not been a successful resistance made to it? No. That we have made any improper concessions to the revolters of Canada? By no means. Their case is, and it has not been made out by any one document that they have quoted, that by some different course of conduct the revolt would have been prevented. This being, in its very nature, a case which it is impossible to prove, how can we be expected to prove an absolute negative? How can we be expected to show that, within the whole circle of human conduct, there might not, by possibility, have been a course adopted, the effect of which would have been to prevent the revolt? But I do say, looking at what has been the conduct of former governments with respect to Canada—looking at the whole course of our Canadian policy—looking to the difficulties in which we were placed by the conduct of those former governments, the conduct we have pursued is not fairly chargeable with want of foresight, is not chargeable with want of resolution, and is not chargeable with any failure on any common principles on which our conduct should be judged. Let me now refer to the constitution of Canada as established in 1791. My opinion is, that that constitution, as it was put in action for a few years after its creation, established two antagonist bodies, which it ought to have been evident, would, one day or other, be sure to come into collision. It was impossible to expect that such a constitution would, for any long period of time, work successfully. One reason was, that it gave a Representative Assembly, and the other that it established a Legislative Council, with power to impose laws in the country which were abhorrent to the feelings of every one in the colony. The result was collision between the two assemblies, and the wonder would have been, if, instead of such a collision having arisen, harmony had for any long period been observed. But with respect to the conduct of many of the hon. Gentlemen whom I see opposite as participators in that business. The right hon. Baronet says, that there are some hon. Gentlemen on this side of the House who were connected with Earl Grey's Government who are in part responsible for the conduct which was pursued towards Canada previous to 1830. That is not the question. The question is, whether a charge was brought and a vote of censure passed on such conduct. We, I think, might have ground enough to move a vote of censure even before 1830, for what was the resolution of the Committee of 1828?—"Your Committee cannot close their observations on this branch of their inquiry without calling the attention of the House to the important circumstance, that in the progress of these disputes the local Government has thought it necessary, through a long series of years, to have recourse to a measure (which nothing but the most extreme necessity could justify) of annually appropriating, by its own authority, large sums of the money of the province, amounting to no less a sum than 140,000*l.*, without the consent of the representatives of the people, under whose control the appropriation of these sums is placed by the constitution. Your Committee cannot but express their deep regret that such a state of things should have been allowed to exist for so many years in a British colony without any communication or reference having been made to Parliament on the subject." If it had been wished at that time to pass a resolution of censure—if it had been an object with those with whom I act to bring forward every matter of colonial misgovernment—I say to the right hon. Gentleman who then occupied the office I have now the honour to hold, that we should have been more justified than he and the hon. Gentlemen with whom he acts in taking such a course. We might have asked how you came to take that large sum of money without bringing the subject before Parliament, or applying to it for its authority? Did misgovernment cease in 1828? The Committee in 1828 came to a report for which the people of Canada expressed themselves gratified. Did then the Government which was formed by the Duke of Wellington act immediately on that report? Did the Colonial Secretary immediately bring in a Bill which was founded upon that report? I believe that the whole of the year 1829 was allowed to pass away—at least I do not know that they introduced a Bill then —they allowed the Session, in fact, to pass without introducing a Bill to carry into effect that report, which has been said by the Vice-President of the Board of Trade, and which was truly said by him, gave the best chance, at that the very best moment, for conciliation. So much, then, for "the dilatory conduct;" that special charge which has been imputed to my noble Friend, the Secretary for the Colonies. I should like to know who, then, has been guilty of delay—who it was that allowed a whole year to pass away without doing anything connected with that report, of such vital importance to the colony? But what happened in the next year? I believe that in that same year there came strong representations from Sir James Kempt, declaring that matters ought to be immediately settled. In May, 1830, nothing had been done. My right hon. Friend then submitted resolutions to the House declaring, amongst other things, that judges ought not to be members of the Executive Council. The motion on that occasion was seconded by my noble Friend, the Member for Liverpool. My noble Friend used very strong terms on that occasion. My noble Friend said, with regard to the want of good Government in that colony, "He was afraid, however, that the unwise course pursued for ten years by a former administration had contrived to raise up a little faction of official personages in the council, who had too often succeeded in representing themselves as the real English party in the colony, and who resisted the wishes and shackled the judgments even of the Governor when directed to the reform of abuses, of which they were the authors, and by which they profited.* Those were the strong terms in which that noble Lord then spoke of the Government of the colony. He seconded a motion then for immediate measures being taken. Who opposed that motion? The right hon. Gentleman, the Member for Tamworth. The noble Lord, the Member for North Lancashire, and I think the right hon. Baronet, the Member for Pembroke, and certainly the noble Lord, the Member for Liverpool, voted in the minority for the carrying of the resolutions; and now the noble Lord, having failed in his object in coming forward upon a former occasion, accuses us because of that delay which promoted the existing discontents, and actually turns round and joins the right hon. Gentleman who was the original cause of the delay. The noble Lord goes over to the right hon. Baronet and throws upon us the blame, which he much more fairly, and much more naturally, ought to attach to the neglect of the report of 1828. But then the right hon. Gentleman says, that there was a time when great and decisive measures would have been taken by the Administration—by the Administration of which he was the head. There came a time, at the end of the year 1834, when at length decisive remedies were to be applied, when all evils were to be redressed and all grievances to be removed, and the colonies to be placed in a state of perfect harmony and tranquillity. But what assurance have we that this would have been the case? He tells us, that the dispatch signed in the Colonial-office would have produced such tranquillity and such harmony. That is a matter of speculation; and I entirely differ from the right hon. Gentleman, if his account of that despatch be correct, that it would remedy the complaints of the Canadians with respect to the disposal of the funds, or the absolutive negative upon the election of the Legislative Council. At that time, owing to the former neglect experienced by the colony, the demand had gained strength for an elective Legislative Council. With respect to the civil list, in autumn 1835 Lord Gosford had, upon a settlement of the civil list, offered to give to the Assembly that which Lord Aberdeen had proposed, and in the same manner. They would not be satisfied with that, however, because they believed that there was no intention to yield to their plan of having an elective Legislative Council. What were the instructions of Lord Aberdeen with regard to that plan? To meet it with a direct negative. What, then, would have been the answer of the House of Assembly at that time, if we can speak with certainty of what might have occurred in such a contingency from what has passed?—"It is true that you make us a proposal with respect to the revenues, but then you refuse to make the Legislative Council elective: we therefore refuse the supplies. That is the conduct which they have pursued since, because they thought the present Government opposed to an elective Legislative Council, and therefore they would not grant the supplies; and if they then had met with a direct negative to their demand, that would have followed in 1835, which has since occurred in 1837—a direct refusal of the supplies, and then there would have been at that time a stoppage of the constitution in Canada, which has occurred in the year 1837. The right hon. Gentleman has, in my opinion, no reason whatever to suppose, that the instructions of Lord Aberdeen would have produced any thing like the harmony which he has ventured to assure us of. But if it were necessary to accompany, as he says, the refusal of making the Legislative Council elective, by sending a large armed force in 1837, to Canada, then in like manner ought the instructions of Lord Aberdeen to have been so accompanied. Why, the right hon. Gentleman says, that for three years the whole colony has been in a ferment, and full of disturbance. If that, then, were the case, he ought, as much as ourselves, meaning to take a line which he supposed might probably lead to revolt, fully as much as we did last year, to have sent a force to meet whatever might have chanced to occur. But the question then was to come before the Assembly, whether or not they would have granted the supplies? My argument, my belief is, that those supplies would not have been given without an elective Legislative Council having been conceded; and then, if the supplies were not granted, it would be impossible for any government to proceed without coming to one of two resolutions —either to carry on the Government by means of the Imperial Parliament, without granting an elective Legislative Council, or granting to them an elective Legislative Council, and yielding to their other demands. The right hon. Gentleman would take the first of these alternatives. The right hon. Gentleman has complained much of certain parts of the instructions to the Commissioners with respect to the Executive Council, and the noble Lord, the Member for North Lancashire with respect to the instructions concerning the Legislative Council. My opinion is, with the experience I have had, although I was of the opinion entertained by the hon. Member for Tynemouth some time ago, that unless you had placed in the Legislative Council, and in the Executive Council too, persons who were devoted to the party of Monsieur Papineau and others, the leaders of that party would not have been conciliated. In Lower Canada that, then, was the difficulty of the situation in which affairs were placed. Lord Glenelg, under the advice of Lord Gosford, placed in the Executive Council persons of French extraction and of liberal opinions; but who, not being supporters of M. Papineau, it was declared at various meetings in Canada, that sufficient had not been done, and they regarded that very act rather as an insult offered to themselves than as a concession made to them. If matters, then, in Canada had arrived to that state that the people who were led by M. Papineau and others were not to be satisfied unless we placed on the one hand their followers in the Executive Council, and made the Legislative Council elective, and, on the other hand, abandoned the British party to the intolerance of that other party, to whom the supreme command was given, I say, then, in answer to what the right hon. Baronet has said, that, whatever step we could or ought to have taken, we must have come to the same position at which we have now arrived—the stop of all constitutional authority, which has occurred. But we do think, and we are blamed for that supposition, that although the Canadian Assembly would not have granted our demand, and although there were meetings in various parts, and much discontent in the province, yet we did believe, that the Canadians would not have thought of resorting to the force of arms, or of raising the standard of revolt. Persons of judgment and of candour were impressed with that opinion, and led us into that belief. Those well acquainted with Canada and with Nova Scotia, and military men competent to form a judgment upon those questions, came to that conclusion. It was on the knowledge, or rather on the opinions, of such men, that the Duke of Wellington formed his judgment on this subject, and which the noble Lord last night in vain attempted to quibble and fritter away. But the plain meaning of those expressions is not to be so quibbled and frittered away, and it would remain an acquittal of the Government in the noble Duke's opinion for not having had a greater military force present in Canada. But there is another authority, the authority of a person who, by the other side of the House, must be considered of some weight, that of Mr. Roebuck. That Gentleman declared in, I believe, his speech at the bar of the House of Lords, or, at all events, in one of his speeches he had declared, that when the resolutions of that House arrived in Canada, the leaders of the people met, and as they thought they had not a sufficient force to resist the power of this empire, they determined not to resist it by force of arms. I am inclined to believe, while this is true, that their conduct was such that, although they did not intend to break into immediate rebellion, it would tend to produce intimidation, and was such as was almost sure to lead to conflicts with the troops employed by her Majesty in the province. As it has been thought proper to take this debate upon the affairs of Canada, I have addressed myself to the affairs of Canda, and to those objections which have been made to the policy we have pursued. The main defence, after all, is, that in a case of very great difficulty, although revolt has occurred, in the first place it was not general but partial, and it was partial because much has been done to remedy the grievances of the people. The subsidiary defence is, that that revolt has been put down by the force of her Majesty's arms in the province. That there are other difficulties—that there still remain great difficulties in combining the elements that exist in that country into a free and harmonious constitution, I undoubtedly admit. But these are difficulties which were not overcome by the administration of Mr. Pitt in 1791—they were not overcome by the administration of Lord Liverpool in 1825—they were not overcome by the administration of the Duke of Wellington in 1828; and I know not whether they were likely to be overcome, but I believe they were not, by the administration formed by the right hon. Baronet, the Member for Tamworth, in 1834. The presumption, therefore, that things might have been better, or that there are passages in some of the despatches which do not altogether tally with what hon. Gentlemen opposite think the proper style to be used on the particular occasions, are, I must confess, trifling grounds upon which to call for the censure of the House. I must own, for my part, knowing, as every one does know, that a certain portion of the measures of Government depend on the decisions of the Cabinet, and that another portion must depend upon the particular measures taken by the Minister who has the charge of the department—I feel far more comfortable in reflecting that Lord Glenelg is my colleague than I did when my noble Friend, the Member for North Lancashire, was at the head of the colonial department. I must confess, that when my noble Friend (Lord Stanley) was at the head of that department, concurring as I did in his measures, and willing, as far as was possible, to assent to anything which he proposed; yet, when I remember that such terms and phrases were used by my noble Friend in the business of his department with reference to popular assemblies, and more especially when I remember, that, with regard to an assembly which represented the people, my noble Friend used the complimentary terms of charging them with egregious vanity—when I remember that these terms were used in my noble Friend's department, and when I remember likewise my having had the misfortune to differ from my noble Friend on many questions of Irish policy—thinking, as is now notorious to the world, that my noble Friend's measures with regard to his Irish policy tended to inflame and to exasperate the people. I always had a sort of hope, not indeed without some misgivings, that my noble Friend and colleague, who had produced so little good in Ireland, might be more fortunate in the government of colonies, and my continued hope was, that I might not suffer the responsibility of consequences flowing from his measures in the colonies, similar to those which had occurred in Ireland. That I differed from my noble Friend in respect of the affairs of Ireland has become notorious to the world, and there is no reason, from any conduct which he has pursued towards me any more than towards any of his former colleagues, which should induce me now to suppress my opinion with respect to his policy in the affairs of this great empire. I had hoped certainly that those differences were confined to the subject of the Irish Church. I had hoped, that, having arisen from the opinions early conceived by my noble Friend with respect to that church, those differences were not such as to affect the general principles of administration. But I own, from what I have seen since—I do own that I think my noble Friend's leaving that party with which he was at first connected, and joining that to which he is now attached, justifies me in saying, that by birth and family, my noble Friend naturally belonged to the great Whig and Liberal party of this country; but that, when he came to take an active part in political affairs, the peculiar tendencies of his principles and of his disposition, led him naturally and inevitably into the ranks of those with whom he is now associated. I will say a few words with regard to the effect of the motion before the House, although the right hon. Baronet, the Member for Tamworth seemed to say, that this is not a fair argument to be used in this discussion. The argument has ever been used in the debates of the House of Commons with regard to motions of this kind; and with regard to motions of this very kind I will mention some of the general principles laid down by an authority, which is, perhaps, not enough respected by me, but which will be highly respected by hon. Gentlemen opposite—I mean Mr. Pitt. Mr. Pitt said, that although he did not dispute the right of the House to address his Majesty for the dismissal of his Ministers, yet nothing could be more mischievous than Parliament interfering with censures which would render the continuance of Ministers in office impossible, unless that interference were justified by an extraordinary state of affairs. He did not dispute the right of the House, but he contended, that the exercise of that right ought to be governed by sound discretion, and a regard for the public interest; and the House must take into its consideration the question of the public expediency, and the public safety. These opinions I conceive to be sound, with respect to the motion before the House—a motion which is, in effect, a motion for the removal of Ministers. It is perfectly justifiable if a necessity has arisen; but there ought to be some strong ground existing in the state of the public affairs to require such a motion. Without entering into any general question of policy, which has not been entered into in the course of this debate, I will ask, what are those extraordinary circumstances which have made this motion necessary? Are we engaged in a destructive and calamitous war? Have we lost fleets and armies? Have we been deprived of any of her Majesty's dominions? Is civil war raging in the country? Are our domestic prospects of so unfortunate a character, or is the United Kingdom distracted by any species of civil disturbance? On looking at all these circumstances, there is nothing extraordinary in our taking credit for being enabled to say, that tranquillity and peace exist with foreign powers, that there is nothing calamitous in the state of public affairs, and that it would be a most extraordinary and unusual step for the House of Commons to interfere without the certain prospect of some immediate good, of some great public advantage, some security and strength for an important constitutional principle to follow from the dismissal of the present administration. One of the questions which is necessary to be discussed is, whether there exist the immediate means of forming a stronger and a better administration. Are there, I would ask, the means of forming an administration which shall command a great majority in this House of Parliament? Have hon. Gentlemen opposite the means of commanding a majority in this House? or, if they should revert to what I must term the rash experiment of a general election, are they at all certain that any ministry which might come into office would enter upon their functions with any hope of carrying on the general affairs of the country with so powerful a majority in their favour as to enable them to crush an opposition to their course of policy? I believe you can give no answer to that question; and that if the present administration should be displaced by the vote of to-night, no administration could come into office with a hope of carrying on the Government during a period of three years, with success, as the present Ministry has done. Then, if hon. Gentlemen opposite have no prospect of forming an administration with any chance of permanence, and if there is no immediate calamity to call for the intervention of the House, or any immediate benefit to be obtained by it, I am bound to say, that they are proceeding upon some subtle doctrines of philosophy, analogous to what is termed in logic, the *media scientia,* foretelling events which would have occurred if certain hypothetical premises had been realised, which is an uncertain and dangerous ground for the removal of one ministry while there is no reasonable prospect of the formation of another. I have but one word to add to the form in which the question presents itself. The hon. Baronet the member for Leeds, after due preparation and notice of a call of the House, has moved a vote of censure against one individual Secretary of State. If the hon. Baronet should think proper to insist upon pressing that motion to a division, I think I am bound to take whatever course I may think most proper to give a direct negative to it. Nothing which the hon. Baronet has said, and nothing which the noble Lord opposite has said, will prevent me from doing what I conceive to be my duty to a colleague. At the same time, however, I put it to the hon. Baronet whether, as he must perceive that he has not succeeded in obtaining any great extent of support from the House for his motion, it would not be advisable to abstain from forcing a vote upon it, in order that, having withdrawn it, hon. Gentlemen opposite might not have any pretence for saying, that their amendment had not been met. I therefore feel bound, not necessarily putting aside the motion of the hon. Baronet, to request, on the part of my colleagues, that nothing may be allowed to prevent the House from coming to-night to a division between the two great parties in this House.

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* See Hansard, vol. xxiv. (New Series) p. 1099.

Sir *William Molesworth* would certainly give his assent to the proposition of the noble Lord. He would withdraw his motion in favour of the amendment; but at the same time he begged to state, that he could neither vote for nor against the noble Lord's amendment: he could not vote against it, because it censured the conduct of Government in respect to the affairs of Canada; and he could not vote for it, because it censured, he thought harshly and unfairly, persons whose cause he had endeavoured to support in this House.

Original motion withdrawn.

Amendment put as a substantive motion, and on it the House divided:—Ayes 287; Noes 316:—Majority 29.

List of the AYES.

Acland, Sir Thomas
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alexander, Viscount
Alford Viscount
Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F. T.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bateman, J.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethel, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, Higford
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Chandos, Marquess of
Chaplin, Colonel
Chapman, A.
Chisholm, A. W.
Christopher, R. A.
Chute, W. L. W.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
Davenport, J.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Duncombe, hon. W.

Duncombe, hon. A.
Dungannon, Viscount
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, William T.
Egerton, Sir P.
Egerton, Lord F.
Elliot, Lord
Ellis, J.
Estcourt, T. G. B.
Estcourt, T. H. I.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fellowes, Edward
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, John
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E.
Hale, R. B.
Halford, H.
Halse, J.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, John H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. A'Court
Holmes, W.
Hope, G. W.
Hope, hon. James
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.

Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, W.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, right hon. T.
Lewis, W.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Logan, H.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean D.,
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, P. W. S.
Miles, William
Miller, W. H.
Milnes, R. M.
Moneypenny, T. G.
Mordaunt, Sir J.
Morgan, C.
Neeld, J.
Neeld, John
Nicholl, John
Norreys, Lord
Northland, Viscount
O'Neil, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.

Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Peyton, H.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir John W.
Powell, Colonel
Powerscourt, Visct.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir John R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.

Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thompson, Alderman
Thornhill, G.
Tollemache, F.
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Welby, G. E.
Whitmore, T. C.
Wilberforce, W.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Col. T.
Wood, T.
Wyndham, W.
Wynn, rt. hon. C. W.
Wynn, Sir W.
York, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H. B.
Fremantle, Sir T.

List of the NOES.

Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Baines, E.
Ball, N.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Belfast, Earl
Bellew, R. M.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.

Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, E. L.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carnac, Sir James

Cave, Robert Otway
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chester, H.
Chetwynd, Major
Chichester, J. P.
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Colquhoun, Sir J.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, S.
Currie, R.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duckworth, S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncombe, Thomas
Dundas, C. W. D.
Dundas, F. (Orkney)
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, Captain
Dunlop, J.
Easthope, J.
Ebrington, Viscount
Elliot, hon. John E.
Ellice, Captain A.
Ellice rt. hon. E.
Ellice, E.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Fazakerley, J. N.
Fenton, J.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, Robert
Fergusson, rt. hon. C.
Finch, F.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Fitzpatrick, J.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Peter
Fort, J.
French, Fitz.
Gibson, James
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir C. E.
Grey, Sir G.
Grosvenor, Lord R.
Guest, Josiah
Hall, B.
Hallyburton, Lord D.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Heneage, E.
Hindley, C.
Hobhouse, Sir John
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howard, R.
Howick, Viscount
Hume, J.
Humphery John
Hurst, R. H.
Hutton, R.
Jephson, C. D. O.
James, W.
Jervis, Swynfin
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lenox, Lord A.
Leveson, Lord
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Maher, J.
Mahony, P.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Milton, Viscount
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, Dan.
O'Connell, John
O'Connell, M. J.
O'Connell, M.
O'Coner, Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, Frederick
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Poulter, J. S.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, Edward R.
Rice, rt. hon. T. S.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, D.
Rolfe, Sir R.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, Joshua
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Lord
Slaney, R. A.
Smith, John A.
Smith, hon. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Spiers, A.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thomson, rt. hon. C. P.
Thornley, Thomas
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, M.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

PAIRED OFF.—*Not Official.*

AYES.

Archdall, M.
Bailey, J.
Clive, Viscount
Cresswell, W.
Cartwright, T.
Cooper, E.
Kelley, F.
Rae, Sir W.
Tyrell, Sir J.
Pollock, Sir F.

NOES.

Chapman, M. L.
Potter, R.
Jervis, J.
Erle, W.
Hector, C.
Martin, P.
Talfourd, T. N.
Edwards, Colonel
Heron, Sir R.
Phillpotts, J.

The following Members were absent from illness and other causes, without having paired:—

Bainbridge, Mr.
Bannerman Mr.
Barnes, Sir E.
Blakemore R.
Burdett, Sir F.
Conyngham, Lord A.
Dugdale, W. S.
Fielden, Mr.
Fox, L. G.
Heathcote, Sir G.
Ingham, Mr.
Johnson, General
Ker, D.
Lowther, Viscount
Lowther, hon. H.
Moreton, hon. A.
Owen, Sir J.
Pryse Pryse, Mr.
Ramsey, Lord
Stormont Viscount
Vernon, G. H.
Wall C. B.
Wilkins, Mr.
Wilmot, Sir E.

The following Members, who usually support Government, excepting on the Canada question, declined voting:—

Grote, G. Leader, J. J. Molesworth, Sir W.

SUMMARY.

	MINISTERIALISTS	OPPOSITIONISTS.
Present	316	287
Tellers	2	2
Pairs	11	11
Absent	9	15
Declined Voting	3	
Speaker	1	
Vacant (Rutland county)	1	
Total Liberals	343	315
Total Tories	315	
	658	

HOUSE OF LORDS,

Thursday, March 8, 1838.

MINUTES.] Petitions presented. By Lord WYNFORD, from Rye, signed by 4,000 persons, against the Poor-law Amendment Bill; and from a place in Devonshire, for a reduction of Postage.—By Lord REDESDALE, from the Guardians of the poor of the Chesterfield Union, for a discretionary power to grant Out-door Relief; and from the Mayor, Alderman, and Burgesses, of Norwich, for the repeal of the duty on Fire Insurances.—By Earl STANHOPE; from Huddersfield, for the protection of Children In Factories; from a place in Yorkshire, from Bewdley, and from St. Pancras, against the New Poor-law.—By Lord BROUGHAM, from Wadsworth, from places in the North Riding of Yorkshire, from Amsley, Montgomery, Chepstow, Walton, places in Glamorganshire, Presteign, Barnstaple, New Lanark, Arbroath, Huddersfield, Doncaster, Caerfilly, Macclesfield, Maldon, Northampton, and many other places, for the abolition of Negro Apprenticeship; and from the Operative Carpenters Meeting in Little Marylebone-street, for the remission of the sentence on the Glasgow Cotton-spinners.—By the Marquess of BUTE, from Glasgow, for additional Church Accommodation; from Leeds, and from Luton (Bedfordshire), for the abolition of Negro Apprenticeship.

BRITISH LEGION.] Lord *Wynford* asked the noble Viscount at the head of her Majesty's Government whether any steps had been taken for the purpose of obtaining justice for those poor men who were now wandering naked and in a state of starvation about the streets, and who lately belonged to the British Legion in Spain?

Viscount *Melbourne* said, their Lordships were aware that there had been two legions; one of which the time of service expired in June, 1837, and the other consisting of those men of the first legion, who had chosen to re-enter into the Spanish army. The men of the first legion who chose to come home, had all been brought home, and received their pay up to the day when they were discharged; they had received marching-money likewise, according to the rates of the British service, but they had not yet received their gratuity, consisting of certain months' pay which was due to them. They had, however, received certificates of what was owing to them, which would be discharged as soon as the Spanish Government possessed the means of discharging them. All pensions to the widows of those who had been killed (except the officers), and payments due to the wounded, had been paid up to the periods to which they were due. This all related to the private men. With respect to the officers of the first legion, a very considerable sum of money was due to them; he believed their claims amounted to nearly 90,000*l.* Their accounts, however, had not been very clearly kept, and there was a difference between them and the Spanish Government with respect to the amount really due to them. But the Spanish Government had agreed to appoint a Commissioner, who, in conjunction with certain British officers conversant with the British army, would sit in London, in order to investigate and facilitate an adjustment of these claims; and the Spanish Government, in the mean time, had promised to make certain payments on account. The men of the second legion had not returned home, though that legion might be considered as broken up, with the exception of one or two small corps; and it was expected they would be settled with, both in reference to their pay and marching-money, in the same way as the others had been. He could assure the noble and learned Lord that the best efforts of her Majesty's Ministers had been incessantly exerted with the Spanish Government to obtain for those men that which was their due, and that those exertions should be continued till their claims were liquidated. But everybody knew the unfortunate circumstances under which that Government laboured; that the pay of the army was extremely in arrear: indeed, that the whole of the operations of the war had been crippled from want of money, and therefore it was not to be wondered at that some delay should have taken place in the settlement of the claims of those men.

The Earl of *Ripon* said, there was one inference to be drawn from the statement made by the noble Viscount which was highly satisfactory; namely, that it was quite impossible that the order in council, under which the legion was established, could be renewed; but still he did not think that the arrangement was so satisfactory with regard to the manner in which these poor men were to be paid, considering the way in which they had been decoyed into that legion by the ingenious contrivance of the Government. It did not appear that they had anything to rely upon but the promises of the Spanish Government, which was quite incompetent to perform those promises. It was true the men of the first legion had got something better than promises, for they had received certificates, which he supposed were an acknowledgment on the part of the Spanish Government, that there was a gratuity due to them; but that could not be paid, it seemed, on account of the miserable state of the Spanish Government. Perhaps the noble Viscount would state what was the amount of the gratuity which was due to the men belonging to the small remnant of the second legion still in Spain; because from that their Lordships would be enabled to judge more accurately what was the state of the finances of the Spanish Government, on behalf of which we were now carrying on a *quasi* war.

Conversation ended.

Church Endowments (Scotland).] Lord *Brougham* said, that he had a petition to present on a subject which was of the very highest importance to the people of the northern part of this island, and to which he begged to call the attention of her Majesty's Government. The petition was signed by 41,000 inhabitants of Glasgow and its vicinity, one of the most numerously-signed that had been presented to either House of Parliament of late years on any subject. The petitioners represented the injustice and impolicy of all civil distinctions on religious grounds, and especially the injustice of taxing people of one religious persuasion to pay for the religious instruction of those of a different faith. They stated that they had heard that applications had been made to the House for the grant of increased endowments to the Established Church in Scotland, and they most humbly prayed the House to reject such proposal, from whatever quarter it proceeded, and from whatever source the additional endowment was proposed to be derived.—The noble and learned Lord presented a similar petition from Paisley, signed by upwards of 2,000 persons, and agreed to at a meeting at which the Provost presided. The fact that these two petitions had been signed by upwards of 43,000 individuals was, he thought, a proof that the great community of the industrious Scotch manufacturers, that highly religious and intelligent body of men, were not suffering themselves to look on with indifference and in a lukewarm manner at this great and important subject; a subject respecting which he (Lord Brougham) on several occasions had been strongly urged to ascertain what were the intentions of her Majesty's Government; and he now wished to have an explanation from the noble Viscount on that point, as the deputies from the dissenting congregations in that part of the kingdom (Scotland) were in town, and were desirous of obtaining information upon the subject. He therefore called upon her Majesty's Government explicitly to state what they meant to do, in order to quiet the alarm existing in the minds of their fellow-subjects in Scotland, which were more excited on this than on any other subject. As four months of the Session had already passed away, and nothing had been done respecting it, or indeed anything else, except to discourage the people of Canada, and to encourage slavery, he supposed that nothing would be done on the subject this Session.

Viscount *Melbourne* said, that he saw no particular reason why the noble and learned

Lord should come to the conclusion which he had done. He remembered being asked in a former Session of Parliament, what it was the intention of the Government to do upon this great and important question—a question which, according to the noble and learned Lord's own showing, was neither postponed nor abandoned, but was *pari positione* with all others. At that time the noble and learned Lord was sitting on the woolsack, and he recollected that a petition was presented by the noble and learned Lord from members of the Church of Scotland on the subject. He did not know whether the noble and learned Lord actually supported the prayer of that petition, but he certainly very strongly recommended that it should be taken into the serious consideration of the Government. With respect to the question which had been put to him, he was not prepared to give any other answer to it at the present moment than that which he gave before to his noble Friend (Lord Aberdeen), namely, that the matter was now under the consideration of the Government.

Lord *Brougham* was truly happy to hear that among various other important subjects, along with the recommendations of the noble Duke (the Duke of Wellington) on the slave trade, the subject of Scotch Church Accommodation was "under the consideration of the Government," and about the time, perhaps, of the Greek kalends the decision of the Government would be announced. As to the petition which he had presented from the Church of Scotland, he had expressed no opinion upon it; neither had he on the present occasion expressed any positive opinion. He thought it due, however, to the petitioners that they should receive the attention of the Government.

The Earl of *Aberdeen* said, that last year petitions without number were presented upon this subject, but in a very different sense from that expressed in the petition presented by the noble and learned Lord. He had presented many himself, and petitions would have been presented this year, but that the people of Scotland had reason to believe that the subject was not only under the consideration of her Majesty's Government, but under their favourable consideration.

The Earl of *Haddington* was of opinion, that there could not be a more inconvenient moment for discussing this subject than on the presentation of petitions; but he would take the liberty of saying, that if their Lordships were led to suppose, from the absence of petitions in favour of Church-endowment in Scotland, that the feelings of the people were all on one side, and that in opposition to such endowments, they were led into a great error indeed. He believed if the feelings of the people of Scotland were to be ascertained by polling them, a great majority of those attached to the Established Church would be in favour of those endowments to which the Voluntaries and the Dissenters were naturally opposed.

Petitions laid on the table.

PARLIAMENTARY ELECTORS.] The Marquess of *Lansdowne*, in moving the order of the day for the second reading of the Parliamentary Electors and Freemen Bill, said, it consisted of two provisions of a very plain and intelligible character, which, though somewhat different in form, were the same in their tendency. Their Lordships were aware, that by the Reform Act, a 10*l.* household constituency had been established, and that to render an elector eligible to vote, it was necessary that he should pay up all rates and taxes due by him on the 5th of April before the 20th of July in each year. One object of the present Bill was to extend the time for the payment of those rates and taxes to the 11th day of October in each year. It was not intended to introduce a new class of electors, but to leave the body of voters in the country as they were constituted under the Reform Act. The other object of the Bill was to remove the stamp duty payable by freemen on their admission.

The Duke of *Wellington* said, he should follow the example of the noble Marquess by occupying very little of their Lordships time on this subject. He should confine his opposition solely to the objects of this Bill. But he must claim for that House a right to consider the whole of this subject equally with the other House of Parliament; indeed, the noble Lord had not attempted to deny their Lordships that right. It was the duty of their Lordships, in considering the subject, to view a little what had been the working of the Reform Act in general, and whether it would be expedient at that particular moment to relax those provisions which had for their object rather the limitation, than otherwise of the democratical operations of that measure. The noble Marquess had stated that the object was solely to remedy the inconveniences which might be felt in consequence of the inattention of some of those who were likely to be called on to pay those rates and taxes which were required to be paid. If their Lordships would be pleased to advert to the provisions of the Reform Act, they would see that they provided, first, that a person should be in possession of the premises for which he claimed to vote for twelve months; next, that he should have paid his rates and taxes up to the 5th of April, and that he should have resided six months in the premises: complying with these provisions, he would be put on the register from the month of November, and have a vote. But what was the object of this Bill? It did not say that the elector was to have an additional notice from the overseers to let him know that he must take care and pay up his rates and taxes in time, but that he should be registered again, and put on the list of voters in the following November, if he would pay up his rates and taxes before the 11th of November. Thus it extended the time for the payment of rates and taxes, due on or before the 5th of April, for three months, and made a grant of six months in favour of persons whose names were on the registry. What would be the consequence? Of course, the effect of the measure would be to add largely to the number of voters throughout the country, and those voters would be of a different description to those at present on the registries. They would not be required to pay their rates and taxes up to the time they were required to pay them as the law stood at present; and that law had been framed after the most mature deliberation. It might therefore happen that many might be registered, and actually exercise the franchise, who were, in fact, unable to pay their rates and taxes, as required by the existing law. It was said, that at present many who were able to pay their rates and taxes were prevented from having their names placed on the registries on account of not knowing when those rates and taxes ought to be paid, and this measure was proposed as a remedy for that inconvenience. But no proof had been tendered showing that any inconvenience actually existed, and before such a measure was adopted, he thought the fullest proof of inconvenience should be required. It was also argued that for want of notice of the time when the payment of rates and taxes was required by the law, many neglected to make payment till the time appointed for payment was past, and in consequence were disqualified from being placed on the registry; and it was therefore concluded that the payment of taxes at the time required by the law as it stood should be remitted, and that persons wishing to exercise the franchise should only be required to make payment in the October of the year preceding that in which they claimed to be placed on the registry. But that was a proposal which he thought their Lordships ought not to adopt, as if such a proposition was carried, a door would be opened for the admission to the registries of those who were in reality unable to pay the rates and taxes required by the law. Their Lordships ought also to recollect, that since the passing of the Reform Bill the taxes payable by householders paying 10*l.* of yearly rent had been greatly reduced, and he believed, that the poor-rates had also been diminished. These reductions had afforded great relief to that particular class of persons, more than had been given to any other portion of society; and he thought that under the circumstances the amount of qualification ought not to be further diminished, for if it were, a worse description of electors would be the inevitable consequence. He perfectly recollected that a noble Friend of his, whom he did not then see in his place, had warned their Lordships, on a former occasion, of the danger of making any approach to democracy in a measure like this, and he told them if once such a measure was adopted, they could never return back. If it was found, when carried into operation, to act injuriously,—if its tendency was found to be destructive to the peace and well-being of society, still they could not step back to the place from which they started, for, if once granted, the measure must be permanent. Seeing no necessity for a measure like the present, and fearing the consequences which might result from its operation, he, for one, could not consent to its being read a second time. He recommended their Lordships not to pass this Bill, and, convinced that it could be productive of no good, that its adoption would only encourage further demands for other changes in the existing law, he begged leave to move, as an amendment, that the Bill be read a second time that day six months.

The Earl of *Radnor* said, that the noble Duke seemed to think that the respectability of the voter depended on the payment of rates. Such, however, was not the case, for his respectability was tested by the sort of house he occupied, the law requiring that that house should be of the value of 10*l.*

yearly. The noble Duke was afraid of lowering the respectability of the electors by such a measure as the present; but that respectability depended, not on the payment of rates and taxes, but upon the position in society of the individuals claiming to be placed upon the registry; and therefore the respectability of the voter could not be affected by any alteration in the time appointed for the payment of rates and taxes. The present measure tended only to relieve the voter from a great inconvenience, and did not operate to lower the standard of respectability or intelligence. Great difficulties arose from the parish officers giving no notice of the time when the rates and taxes were payable, and frequently, when persons came to pay, the parish officers were not to be found, and many persons fully entitled to the franchise were, in consequence, disqualified. To remedy that inconvenience, the present measure was proposed, and he contended that it would not have the effect of lowering the standard of respectability of those persons who had to vote for Members of the other House of Parliament. Persuaded that the measure would be productive of the most beneficial consequences, he would cordially support the second reading of the Bill.

The Earl of *Haddington* said, the noble Earl who had last addressed their Lordships seemed to think that it was a sufficient test of respectability that the person claiming to be placed upon the registry occupied a house of 10*l.* yearly value. He, however, differed essentially from the noble Lord, and if the noble Lord would look back to the discussions on the Reform Bill, he would find that, even at that period, great difference of opinion existed on the subject. The qualification which was settled at that time was a mixed one. The claimant was required to have paid his rates and taxes up to a certain time, and he was also required to live in a house of the value of 10*l.* The object of the Reform Bill was, by this combination, to ascertain the respectability of the voter, and the effect of this measure was to do away with one of the tests of respectability required by the existing law; and the consequence would be, that a number of persons, by no means so respectable as the present electors were, would be admitted to vote. Their Lordships should recollect that a desire widely existed to increase the number of voters, and the present measure was one of the most moderate that had been proposed for the purpose of effecting that object. But their Lordships might be assured that the present measure would not satisfy those who were more zealous for an extension of the suffrage than were the framers of the present Bill, and if this measure were allowed to pass, those more violent supporters of a more extended suffrage would have good grounds for urging their Lordships to make still further concession to their demands. He told them that this measure was materially connected with the question of the ballot; it was materially connected with the question of universal suffrage, and with the question of short Parliaments; it was materially connected with all those Radical theories, and he therefore trusted that the Bill would not be read a second time. He hoped their Lordships would take their stand upon the Reform Act, and while they maintained the Bill, and the whole Bill, that they would grant nothing but the Bill.

The *Lord Chancellor* observed, that the noble Earl who had just sat down rested his opposition to the present measure on the ground that it was a violation of the Reform Act; and if the provisions of the Bill really made a departure from the principles of the Reform Act, he would allow the noble Lord's argument to be a good one. If, however, the present measure did not violate the principles of the Reform Act, then the noble Lord's argument had no force. What then was the object of the Reform Act? It gave the 10*l.* householder the right of voting, provided he was not in arrear as regarded the payment of rates and taxes. The question then was, what was to be understood by "being in arrear." According to the law as it at present stood, if the householder did not pay his rates and taxes due on the 6th of April before the 20th of July, his right to be placed on the registry was lost. If that fact was universally known, and if there was no neglect and no inability on the part of the claimant, but if, in point of fact, the taxes due on the 6th of April were not paid till the 20th of July, merely from not knowing that the law required them to be paid before that day, it certainly could not be argued that there was any deterioration of respectability so far as the claimant to be registered was concerned. Now it was the practice in some places not to demand payment of taxes till the expiration of the three months intervening between the two periods he had mentioned, and a person was not considered to be in arrear till after that period had expired. The householder had no notice, nothing to call his attention to the fact, that the law required him to pay his rates and taxes by a particular day, and he was only made aware of the fact when he found on application that he had no right to be registered. Certainly under such circumstances the non-payment of taxes before July did not detract from the respectability of any individual. He had, however, no doubt that from want of knowledge of what the law required, and from want of notice of the time of payment, many individuals were prevented from exercising the franchise to which they had a just right. Taking all these circumstances into consideration, he thought the present measure would be of great advantage to the country, as it would give more certainty to the existing law, and afford greater security for the exercise of the elective franchise by those who had an undoubted right to vote·

The Earl of *Harrowby* thought this measure went a great deal further than its supporters were willing to allow, and if it was adopted, he thought they might at once introduce a bill rendering the payment of rates and taxes altogether unnecessary. By the Reform Bill, as it was originally framed, the payment of rates and taxes was not only rendered necessary, but the payment of rents was also required, as well as the occupation of a house of 10*l.* yearly rent. The test of respectability required by that bill was a mixed one—namely, the punctual payment of rates and taxes, and the punctual payment of rent, joined to the occupation of a 10*l.* house The payment of rent was not persevered in, but the payment of rates and taxes was an essential feature of the bill. During six years that provision of the bill had been rigidly enforced; but it seemed that the experience of those six years had been lost, and that the people of England were ignorant of the actual state of the law, although at the registration courts they were every year afforded an opportunity of knowing what the law required from them before they were allowed to exercise the elective franchise. He certainly did not expect to have heard such an argument advanced by any one; but that it should have been brought forward by the noble and learned Lord on the woolsack, was to him a matter of astonishment. He had hitherto thought that the constitutional maxim was, that every man was bound to know what the law was. That doctrine was perhaps strict, but in the present case the law was every year brought under the notice of every one claiming to exercise the elective franchise, so that there could be no valid plea of want of knowledge. It was stated that this measure would make no alteration as far as regarded the pecuniary respectability of the voters. The effect of the Bill would, however, be to insure a continuance on the register of persons whom friends might have enabled to qualify for the first time, after they had ceased to have any valid claim to be registered. It did therefore appear to him that the measure would affect the pecuniary respectability of the electors of England, and he was determined to oppose the second reading, as he considered the bill as the first of a series of innovations on the law which had been framed after the most ample consideration.

The Duke of *Richmond* said he would be a party to no measure which would infringe upon the principles of the Reform Act; but he conceived that the present bill had no such tendency, and that its object simply was to prevent persons from being deprived of their rights either by their own laches, or by the neglect or fraud of any other party. He knew that many persons who did not happen to belong to a political club in the borough where they resided frequently received no notice that their rates were due, and were consequently deprived of their rights as electors. With regard to the argument that the payment of debts when due was a proof of respectability, all he could say was, though he did not know what was the practice at the Conservative Club, that at White's and Boodle's it was not the rule to call for a payment of the subscriptions until a whole year after they had become due. He should certainly vote in favour of the second reading.

Lord *Alvanley* said, that in all parts of the country where the Poor-law unions prevailed, the rate-payers were obliged, by the rules of the commissioners, to pay their rates three months after they became due. He considered the present bill as the commencement of a series of invasions on the Reform Act, and should accordingly vote against it.

The Duke of *Richmond* observed, that the Reform Act required the payment of other rates besides the poor-rates.

The House divided on the original motion.—Content—Present 45; Proxies 37—82.—Not Content—Present 67; Proxies 80—147:—Majority 65.

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HOUSE OF COMMONS,

Thursday, March 8, 1838.

MINUTES.] Petitions presented. By Mr. F. J. HOWARD, from Youghal, by Sir G. STRICKLAND, from Gomersal, by Mr. C. LUSHINGTON, from the male and female inhabitants of Ashburton, by Mr. BAINES, from Maldon, Bishop's Stortford, and from the county of Cambridge, by Mr. C. SHAW LEFEFRE, from a place in the county of Southampton, by Mr. W. D. GILLON, and by Mr. WODEHOUSE, for the abolition of Negro Slavery.—By Mr. MAUNSELL, from Kettering, for the establishment of Local Courts.—By Mr. LASCELLES, from Wakefield, and by Lord W. BENTINCK, from the Manufacturers of Glasgow, for the total abolition of the Soap Duty.—By Mr. PRYME, from various places, for the repeal of the duties on Post-horses.—By Lord W. BENTINCK, from Glasgow, for a repeal of the duties on Marine Insurances; and from the Corporation of Bakers in Glasgow, for protection against Trades' Unions.—By Mr. Sergeant JACKSON, from the Clergy of the Diocese of Ardagh, to relieve the Clergy from the repayment of the Loans advanced to build Glebe-houses.—By Mr. VILLIERS, from Wolverhampton, for the abolition of the duty on Soap.—By Lord INGESTRE, from the Guardians of the poor of a Union in the county of Stafford, for the repeal of certain clauses in the New Poor-law.—By Mr. HAWKES, from Dudley, for an alteration in the dietary system under the New Poor-law.

CHURCH OF SCOTLAND.] Sir *Robert Peel* wished to remind Lord John Russell that the time had now elapsed within which he had promised to make a declaration as to the course which the Government intended to pursue with reference to the question of increased accommodation in the Church of Scotland. Perhaps, therefore, the noble Lord would now state whether it was the intention of the Government to make any proposition on the subject, and if so, at what period it would be made.

Lord *John Russell* said, that it was the intention of the Government to make a proposition on that subject, but he did not think that he should be able to propose any vote on the matter before Easter. He would, however, state before that time arrived the general nature of the measure which the Government intended to bring forward: indeed he might state now, that with respect to the Act passed in 1707, relating to unexhausted teinds, it was proposed to give an authority to divide the parishes so as to apply a portion of those unexhausted teinds to the purposes of spiritual instruction in the large parishes in the highlands where the teinds were exhausted, but the Government did not mean to propose any endowment from any public fund for parishes in Edinburgh or Glasgow.

Subject dropped.

HERIOTS.] Sir *Robert Peel* hoped the hon. and learned Gentleman the Attorney-General would state whether he proposed to bring forward any measure with reference to the law of heriots.

The *Attorney-General* was ashamed to confess that the subject was so difficult that he had found himself unable to grapple with it. In the course of the last Session he did introduce a Bill for the abolition of heriots, but the right hon. Gentleman the Member for the University of Cambridge had pointed out several objections to it, which upon an after-consideration he had found insuperable. He had used his best endeavours to find out some other plan, but without success, and he could now therefore only hope, that by the enfranchisement of copyhold, heriots would gradually cease.

Sir *Robert Peel* must say, that the law relating to heriots was one of the most ridiculous blots that ever existed in any system of civil jurisprudence. If it were left in its present state, it would be the greatest reflection on the Legislature that could be cast upon it.

The *Attorney-General* entirely concurred in what the right hon. Baronet had said with respect to the law of heriots, which was the barbarous remnant of a barbarous age. If the right hon. Baronet would allow him to put his name on the Committee, if he would not consider it a degradation, he should feel himself highly honoured and flattered by the permission, and he had no doubt that some suggestions would be thrown out which would enable him to prepare a measure by which this blot upon our system of jurisprudence might be wiped out of the statute-book.

Sir *E. Sugden* remarked, that he had not had an opportunity of looking at the Bills introduced by the hon. and learned Gentleman opposite, and, therefore, he was not in a situation to say whether he could agree to a second reading of them without a discussion. He would, however, look at them, and if he thought that it would be necessary to discuss them first, he would state his opinion to-morrow. With regard to the law of heriots, he thought that it ought to be abolished, but the question was a difficult one to deal with. The House, however, ought to be aware that it was not copyholds only which were subject to heriots, but that, as many Gentlemen knew, heriots were due in many instances in respect of freeholds. If heriots, therefore, were to be abolished, they could not be abolished by the gradual enfranchisement of copyholds, and it would be necessary to pass a general law for that purpose.

Subject dropped.

Joint Stock Banks.] The *Chancellor of the Exchequer* rose, to postpone his motion relative to the re-appointment of the Committee on Joint Stock Banks till Monday.

Mr. *Hume* wished to know how it was possible that this motion could be brought forward on Monday? He hoped that the right hon. Gentleman would fix some day when the motion might be fully discussed, as he intended to move an amendment to the motion, extending the inquiry to the Bank of England.

The *Chancellor of the Exchequer* was not aware that there would be any opposition to the re-appointment of the Committee. As, however, his hon. Friend intended to move an amendment, he would select an open day on which they could have a full discussion.

Sir *R. Peel* would suggest, before the right hon. Gentleman committed himself to a renewal of the Committee, that it was a subject for his consideration whether its re-appointment was absolutely necessary. The evidence, if not complete, was pretty nearly complete, and there would be an immense advantage in drawing the proceedings of the Committee to a close. At present, the banking interest was in a state of great uncertainty, and an advantage was given to the weaker establishments at the expense of the more wealthy and respectable. If, however, the Committee should be re-appointed, he should advise the immediate completion of certain branches of the evidence, in order that her Majesty's Government might be enabled to state at once how they were prepared to act.

The *Chancellor of the Exchequer* thanked the right hon. Baronet for his suggestion, and observed, that that was the very course which he intended to pursue. The points which remained for inquiry were two—namely, what was the effect of the Bank of England's local circulation and country branches, and of the connexion between those branches and certain Joint-stock banks. There was, also, a question as to the Bank of Ireland, into which no inquiry had been made at all. He believed that these were the points which were still unnoticed. If they went over the points on which they had already taken evidence, they would not only undertake a very needless task but one full of inconvenience. Gentlemen would, therefore, understand that in proposing the revival of the Committee, it was only to consider those points on which no evidence had been taken, and not for the purpose of going over the grounds on which so much evidence had already been laid before the House.

Motion postponed.

HOUSE OF LORDS,

Friday, March 9, 1838.

Minutes.] Petitions presented. By Lord Bandon, from Electors of Cork, for an annual revision of the Registry in Ireland; from Bandon-bridge, for the continuance of Medical Charities; and from several other places, against any National system of Education in Ireland which excluded the use of the Holy Scriptures.—By Lord Redesdale, from Inverness, for the establishment of a Morning Mail from London to the North.—By Earl Stanhope, from Merthyr Tydvil, and from Huddersfield, for the immediate repeal of the Poor-law Amendment Act.—By the Earl of Radnor, from Ashburton, and from Blackburn, by Lord Brougham, from Ashburton, from Wesleyan Methodists at Acton, from Bath, from Wesleyan Methodists of Penzance (Cornwall), the inhabitants of Wincanton, Dorking, Airdale College (Yorkshire), and from several other places, for the immediate abolition of Slavery; from Dunbar, Kirkintolloch, and other places, against any grant to the Scotch Church; from Solicitors of Dundee, against the Sheriffs' Court Bill; from Cupar, to amend the Reform Act; and from Cupar, to repeal the Corn-laws.

Abolition of Slavery Act.] Lord *Brougham* wished to ask a question of his noble Friend, the Secretary for the Colonial Department. He had read with great attention the bill which his noble Friend had laid on the table respecting slavery in the West Indies; a bill which did not satisfactorily meet his (Lord Brougham's) views; but one of the most important of all its clauses was that which gave certain powers to the governor, or rather to a court of error in the colonies, with respect to actions and judgments, whether in matter of equity or of law. Now he wished to ask his noble Friend what was the constitution of those of error, and particularly the constitution of the court in Jamaica, and what their numbers were?

Lord *Glenelg* said, they consisted of the governor and two or three of the council: I am not now quite certain which.

The Marquess of *Sligo:* I can inform my noble and learned Friend—

Lord *Brougham:* Ay, ay! but my noble Friend did not draw the bill. If it had been drawn by my noble Friend, I should have understood it; for he would have known what he was about. Will my noble Friend, the Secretary for the Colonies, say whether there is a court of error in every colony in the West Indies? Because, if there be not, then those colonies which have no such courts will be deprived of the benefit of this bill altogether. There are different constitutions in different colonies, and I hope my noble Friend will accede to the proposition I am about to make. That proposition is to move for a return, stating the constitution of the courts of error in the several colonies respectively to which the bill applies, and in the mean time postpone the second reading of the bill.

Lord *Glenelg* had no objection to the return asked for by the noble Lord; but he had a decided objection to postpone the second reading of the bill on that account. He knew that in some of the colonies there were not courts of error, and it was his intention, as he should be perfectly prepared to do on Monday, to state to the House, what it was proposed to do with respect to those colonies in which no courts of error existed.

Lord *Brougham* had no wish to delay the second reading of the bill; indeed, his opinion was, that the sooner it was disposed of the better; but it was necessary that some information should be had on the subject.

The Duke of *Wellington* thought, that perhaps the better course would be to postpone the second reading from Monday to Tuesday, as before that time the information required by the noble and learned Lord might be procured.

Viscount *Melbourne* had no objection to any reasonable postponement; but he begged leave to remind their Lordships of the manner in which her Majesty's Government had been reproached for not bringing forward this measure. They were said to be guilty of great delay, to have been supine, and indeed every sort of reproach had been thrown out against them, and now that they had brought in the bill the first application for delay came from the noble and learned Lord, who was the loudest in making those reproaches, and that application was seconded by the noble Duke, who certainly had joined with the noble and learned Lord in pressing the Government to use all haste and speed with this measure. However, he had no objection to postpone the second reading from Monday to Tuesday for the convenience of the noble Duke.

Lord *Brougham* said, that his previous course was perfectly consistent with his present proposition. He did not wish to delay bringing on the measure; but it had been brought forward in such a shape as to render it impossible for him to call it other than an abortion, an ill-conceived and ill-contrived measure, because it was framed upon the supposition of there being in every island a court of error, and it also proceeded upon the supposition that those who framed it knew what the constitution of the court of error was in each of those islands. Was there anything, he would ask, that was inconsistent in wishing a measure to be brought forward without delay and without imperfections also? How could he tell whether he could agree to the principle of the bill, unless he knew how the courts of error were constituted?

The Marquess of *Sligo* said, it was desirable that the bill should be carried through before Easter, in order that certain proceedings should take place in the colonies which the bill rendered necessary.

Lord *Glenelg* would submit to the House whether it was quite fair on the part of the noble and learned Lord to enter into a discussion of a bill before the individual who introduced it had an opportunity to develop its provisions? With respect to the proposition of the noble Duke, he was most ready to accede to a postponement of the second reading from Monday to Tuesday.

CHURCH OF SCOTLAND.] The Earl of *Aberdeen* wished to call the attention of the noble Viscount at the head of her Majesty's Government to the subject of additional endowments to the Church of Scotland, which was spoken of yesterday. On that occasion the noble Viscount informed their Lordships that the subject was under the consideration of the Government. Perhaps the noble Viscount had since discovered, that the result of the deliberation of the Government was announced by a noble Lord in another place; but that announcement was stated in the usual sources of intelligence in such a manner that he was not very well able to comprehend the nature of the decision which her Majesty's Government had arrived at. Perhaps the noble Viscount would not object to state what course he intended to take upon the subject. He hoped the noble Viscount would not consider that he was unnecessarily urgent upon this matter, for he could assure the noble Viscount that there was no question, whether of foreign or domestic policy, that excited more interest in Scotland than this.

Viscount *Melbourne* was aware of the great interest excited in Scotland upon this question, and particularly with regard to the course which it was the intention of her Majesty's Government to pursue; he was also perfectly aware, that the question which the noble Earl had put was a question asked and answered in another place; at the same time, (referring to the usual sources of information) that question was said, (whether it was so or not he could not tell, but he believed not) to have been answered in a very premature and undigested manner. This, at least, showed the ill effects of that senseless hurry and precipitation with which measures were urged upon the Government. Nothing tended, perhaps, more to foster that rash and precipitate haste than the bringing forward a great number of measures simultaneously for the consideration of the two Houses of Parliament, upon subjects of great importance, and to each of which it was, therefore, rendered impossible that they could devote due and proper attention. It was his opinion that it would be much better to bring forward measures deliberately one by one, so that the whole attention of Parliament should be given to each. A great attack had been made on the Government for the little which had been effected this Session. He could not help thinking, that measures of the greatest importance, and quite sufficient to occupy the attention of Parliament, had already been brought forward. More particularly when he considered that the other House of Parliament had been engaged on a measure of the highest importance to Ireland, namely, the introduction of a system of Poor-laws into that country—a subject amply sufficient to occupy their attention for the time it was under consideration. With respect to the Church of Scotland, he had only delayed giving a definite answer to the questions which had been put to him until he had made himself sufficiently master of the details. He could not yet give an opinion as to the exact amount of the want of church room under the existing system in Scotland, or as to the degree to which it might be necessary to supply that want and that necessity. But he and his colleagues in the Government were clearly of opinion that, whatever want might exist, they ought not to resort for the purpose of supplying that want to the general funds of the country, until all the property which had been for a great time in the possession of the Church, or which, at the present time, was liable and bound to make up such deficiency, and applicable to the spiritual wants of the country, had been appropriated to that purpose. If a great deficiency of spiritual assistance and church accommodation were proved to exist in any of the parishes in the rural districts of Scotland, in which the teinds were already exhausted, it was the intention of the Government to propose that assistance should be given to those parishes from that fund to which he had, on a former occasion, alluded, namely, the Bishops' teinds, now in the possession of the Crown; but in any parish in which the teinds still remained unexhausted, the Ministers were of opinion, that any further assistance required, should be supplied from those unexhausted teinds; and with that view measures would be taken to render the application of those teinds, to such purposes, more easy, and enable that to be done with more facility than it could be done under the act of 1707, which regulated those teinds. That was the general view which the Government entertained upon the subject. The answer which he gave to the noble and learned Lord (Lord Brougham) yesterday might have been understood to be in the negative; and that it was not intended to propose a Parliamentary grant to supply the wants of the Church of Scotland.

The Earl of *Aberdeen* supposed, from what had fallen from the noble Viscount, that some proposition would be made by Government on the subject. The noble Viscount had stated, that it was not the intention of the Government to grant any assistance to those districts in which the teinds had not been exhausted. Now, in some of those districts, the deficiency existed in a tenfold degree more than in any other part of the country. Nothing, he supposed, was to be done for the cities of Edinburgh and Glasgow, where the deficiency was very great, and to which the attention of the Commissioners had hitherto been exclusively directed. The noble Viscount said, that he would not consent to supply the deficiency out of the general funds of the country, but out of the Bishops' teinds. Those teinds had become part of the hereditary revenues of the Crown, and belonged to the public. The noble Viscount might put his hand into whatever pocket he pleased, but still he would abstract the money from the pocket of the public, just as much as if he took it from the consolidated fund. The noble Viscount said, that, by an alteration of the act of 1707, he would make the division of parishes, the appointment of ministers, and the applications of the teinds, more easy; but, in those parishes, the church property might be compared to tithes, which was the property of the heritors, as lay-impropriators; and the alteration would throw upon that property the expense of endowment, which its owners never comtemplated when they acquired it. At present, if three-fourths of the heritors or owners of land concurred, they had the power of dividing parishes on application to the Court of Session, as a court of teinds. He wished that a little more of that consideration, of which he had heard so much, were applied to this important subject. With respect to urging the Government to give information on this question with unnecessary haste, there was no ground for the observation. The noble Lord to whom the question had been put had taken his own time. He said, that he would be ready with an answer at a certain period, and he had given one. He entreated the noble Viscount to consider this measure more than he appeared to have done.

Lord *Brougham* observed, that though the noble Viscount on a former occasion had said that he answered a question put by him on this subject in the negative, yet the answer which he gave this night was decidedly in the affirmative of that question. What the noble Viscount proposed to do could not be done without a bill, and a most important bill. What signified it, whether the deficiency was supplied from one fund or from another, it would still come out of the public pocket, for the Bishops' teinds were now as much a part of the revenue as the consolidated fund. No matter which pocket the noble Viscount applied to, he was making the public pay, by sanctioning a grant of public money. This plan could not be effected except by a money bill. It would begin with "Most Gracious Sovereign," and it would receive the Royal assent in the usual form applied to money bills—"La Reine remercie ses loyal sujets, accepte leur benevolence, et aussi le veut." It must be a money bill, and nothing else. It would be acting most unjustly to those who had purchased these teinds to burden them with the endowment of new churches—since, when the purchases were effected, they were only liable to charges connected with the churches that then existed.

Viscount *Melbourne* said, that notwithstanding the opinion which had been expressed by the noble and learned Lord, he must still adhere to what he had originally stated as to the teinds. There was certainly a distinction between the Bishops' teinds, which were formerly in the possession of the church, and the property which was at present in the possession of the Crown. That property was taken from the church by the Crown on the express condition that it should be applied hereafter to ecclesiastical purposes. During the great alterations made by Henry 8th at the time of the Reformation, property was taken from the church with that precise understanding; but the Crown did not keep its word, and some of that property was given away by the Crown in grants to individuals in England and Scotland. That property could not be touched again; but that which remained in the possession of the Crown could be applied, he maintained, to the purposes of the church. What was the landed property of the Church of England? He did not pretend to have a full knowledge of the matter, but he believed the property of the church was that which had been wrested from it by her predecessors, Henry 8th and Edward 6th, and which Queen Mary restored to the Roman Catholic church, and which afterwards became, as it was still, the property of the Protestant Church. He took that to be the property of the Established Church, to be applied to ecclesiastical purposes. He thought the inhabitants of Scotland would hail the measure contemplated by the Government with gratitude; and he believed that there was a general feeling among the landholders in favour of this application of the property for the better instruction of their fellow-countrymen, and the supply of their spiritual wants.

Lord *Brougham* protested against the principle of spoliation laid down by the noble Viscount, and begged him to reflect upon what he had said, for he might depend upon it, that he would hear more on this subject. He had never heard the principle of spoliation so openly avowed before. Did the noble Viscount think, that because a man bought those teinds, he was liable to——

Viscount *Melbourne:* He bought them with an *onus* on them.

Lord *Brougham:* Yes, with one *onus*, that of supporting the existing parochial churches. But did the noble Viscount mean to say that he bought them liable to be called on to support new churches? They were not liable to any demand of the kind, unless three-fourths of the heritors concurred. It was a mere chimera of the brain to suppose, that the teinds were liable to such spoliation. Such a doctrine no lawyer in Westminister-hall would presume to propound. He appealed to the noble Lord on the woolsack whether his estimation of that doctrine was not correct.

The Earl of *Haddington* did not know whether his noble and learned Friend intended by his speech to compliment the noble Viscount, or to throw out some sarcasm against him; but he agreed with his noble and learned Friend that the principle laid down by the noble Viscount was a principle of spoliation. The liability of a landholder to give up his property, and what he might choose to do as a Christian man, were two very different things. It was true, as his noble and learned Friend had stated, that the landholders would be liable to give up their property for the augmentation and support of churches whenever the Court of Session should, as a court of teinds, make a decree to that effect. He regretted to hear, however, one part of the statement made by the noble Lord, because he inferred from it that the wants and necessities of Edinburgh and Glasgow, and every other great town in Scotland, were to be overlooked by the State. He believed, that as in other parts of the conduct of her Majesty's Government, they were much influenced by the pressure from without; not that they were not friendly to the Established Church, but they feared to offend the Dissenters and the supporters of the voluntary principle. With respect to the teinds, he so far concurred with the noble Viscount that they were a very natural source of the means for providing for the education and religious instruction of the people. He was surprised that after so much delay, and the report of the Commissioners had been so long in hand, the Government were not going to do something which would be more satisfactory to the people of Scotland.

Lord *Brougham* again rose to explain. It was a pure fallacy to suppose that this was not a public fund, as far as the persons who had to pay were concerned. The people of England would have to pay as well as the people of Scotland, who did not pay many taxes, he believed. The distinction which had been drawn was a mere nominal distinction.

The Archbishop of *Canterbury* observed, that it was perfectly true, as stated by the noble Viscount, that portions of the church property were bestowed on various persons by that arbitrary monarch, Henry 8th. But with regard to the property of the church, he begged to remind their Lordships that the Church of England was the national church, and if any revolution should take place, by which the Romish religion should be re-established in this country, there would be no transfer of property from one church to another; the property would still be held by the church as being that of the national church, returning, in that case, to its ancient corruptions.

Conversation dropped.

THE CHURCH IN CANADA.] The Archbishop of *Canterbury* rose to present a petition from the bishops, clergy, and Protestant inhabitants of Upper Canada. The petition was signed by nearly 6,000 persons. It had been in his possession for some time, as he had received it in the spring of 1834, and the reason why he had not presented it before that time was, because the petitioners expected that a final settlement of all questions relating to the Church in Canada would have been made in each succeeding Session, and from the distance of the petitioners from the Legislature, they could not have been aware of the exact time when the discussion in regard to their religious establishments would take place. They had, therefore, placed the petition in his hands, in order to its being presented whenever the proper time for bringing it under their Lordships' attention should arrive. Late events in Canada had brought on the necessity for an immediate and final settlement of all questions relating to that province, and the time, therefore, had arrived when the petition ought to be presented. He would read to the House the petitioners' own words. The most rev. Prelate then read an extract from the petition to the following effect:—The petitioners stated themselves to be composed of Loyalists, who had left the United States under the most solemn pledge that they should have a constitution in every respect resembling that of the mother country, which constitution provided for the security of the Church. They stated, that in fulfilment of that pledge, an Act had passed in the reign of George the 3rd, which provided for the support of a Protestant Church establishment, in a way which was not burdensome to any one. They further stated, that many of their number were emigrants from the parent state, who had left their own country, firmly persuaded that they should be secured in the inestimable privilege of worshipping God in the same way as their fathers had worshipped. They further stated, that a provision had been made for the support of the Protestant religion in Canada, and they humbly represented to that House, that they considered that provision as part of their birth-right; and that they had heard with feelings of the greatest pain, that a proposal had been made to deprive the Church in Canada of a provision which had been secured to that Church by the most solemn pledges. They claimed continued security for their religious rights, especially as those rights had been secured to the Roman Catholic population of Lower Canada, and they trusted to obtain permanent support for a Church establishment in connexion with the Church of England. On the subject to which the petition referred, he had not thought proper to make any remarks while the discussions regarding recent occurrences in Canada were going on in that House. In those discussions no question regarding the Church establishment in Canada was referred to, and the important questions regarding the civil concerns of the colony had so engrossed attention that he considered he should have acted improperly in bringing the matters to which the petition related under the consideration of their Lordships at that time. He did not wish to introduce the subject then, on account of the great excitement which prevailed in regard to the civil affairs of Canada, and because the subject of the petition in reality related to all the colonial possessions of England, as the whole of those possessions were similarly situated in regard to their religious concerns. He considered the question involved in the petition, one of universal importance, and he was sure he had no need to expatiate in that House on the salutary influence which religion exercised over the morals and character of a community, or on the beneficial effects which the Established Church in this country produced on the people. In Canada, the establishment and support of that Church was calculated to produce piety, loyalty, order, obedience to the laws, and that attachment to the mother country, which every lover of his country would wish to see in all the colonial possessions of England. Feeling persuaded that religion was necessary for the temporal and eternal welfare of mankind, it was of the highest importance that it should be extended to all the possessions of England. They knew that the destinies of ancient empires were intimately connected with religion: he believed that the same principle continued to operate, and that in the end it would extend its influence over the whole earth. It had ever been a part of the policy of England to support a religious establishment, and he feared, that if ever the interests of religion were excluded from her national policy, her glory and her greatness would decay and be extinguished. If this were true, then it became the duty of the governors of this country to take care that religion was duly encouraged everywhere, and that they should plant and cherish that national Church in all our colonies, which it was allowed presented the doctrines of Christianity in their purest form. But this was a duty which our governors from the earliest period had neglected. In a document which he held in his hand, and which was recognised by the Legislature, the duty and the neglect of that duty were both acknowledged. It was a charter of William the 3rd to the Society for the Propagation of the Gospel, and he would take the liberty of reading a passage from it to their Lordships. The most rev. Prelate read a passage, of which the following is the substance:—"Whereas in many of our colonies the provision for the ministers of religion is very lean; and whereas others are almost destitute of religious instruction, and many of our loving subjects are, from want of religious instructors, verging to infidelity;"—that, observed the most rev. Prelate, was an acknowledgment of neglect—"and whereas we think it our duty to provide sufficient maintenance for the ministers of religion in these our colonies, be it enacted, &c." That, continued the most rev. Prelate, was an acknowledgment of the duty, and accordingly the charter went on to provide for religious instruction to the people of those colonies, but all that was to be done was to be dependent on "the charity of our loving subjects". That was the whole extent of the provision made, and under that charter thirty clergymen were employed in America before the revolution—a number totally inadequate to the wants of the people. In this way matters went on, and no adequate provision was made for the Church Establishment. It was a remarkable circumstance, that during the course of the American war the Loyalists were almost universally the friends of the Protestant Church; whilst those persons who belonged to other denominations of Christians were not so steadfast in their attachment to this country. This was one of the circumstances which opened the eyes of the Administration of that period to the mistake committed by former Governments in not sufficiently attending to the religious concerns of the colony, and by an Act passed during the reign of George the 3rd, one-seventh portion of the unappropriated lands were set apart for the benefit of the Protestant church, so that means were thereby provided of making an allowance for new ministers without throwing any burden on the state. As, however, these reserved lands were not cultivated, they were not immediately productive; and in the mean time it was found necessary that Parliamentary grants should be made for the maintenance of the clergy; and, with the same view, a union was formed with the Society for the Propagation of the Gospel in Foreign Parts. He should also have mentioned that a bishop was appointed for Quebec, and the consequence of that appointment and of the other measures taken for the support of the Protestant church was, that, whereas at the time of the appointment of the first bishop of Quebec there were but six clergymen in both provinces, the number was increased during the time of that Prelate to above fifty; and at the present moment there were in the Canadas more than 100 ministers of the gospel belonging to the Protestant Established Church, who were partly paid by the Government, and partly by the Society for the Propagation of the Gospel. In the course of time inconveniences were found to arise from the assignment of so large a portion as he had already mentioned of lands to the church, amounting, he believed, to about 2,000,000 acres. For, as the establishment possessed no means of improving the waste lands, they remained unproductive, and presented obstacles to the general improvement of the country. He recollected that, when he was Bishop of London, several plans were proposed for removing those inconveniences, but none were considered satisfactory enough to be adopted. At no time, however, was there any question of withdrawing the support afforded by the Government to the church; and the policy of the Government, which set apart those reserved lands, was faithfully and conscientiously followed out. In the process of time the difficulties which were experienced became multiplied, and claims were made for a participation in the reserves, which the friends of the Established Church maintained were intended exclusively for it by the ministers of the Scotch Church, and by the ministers of all the different sects of Protestant Dissenters in the colony. He begged their Lordships to bear in mind that these claims were not preferred until after a lapse of thirty years from the time of the original grant. In 1828 a Committee of the House of Commons directed its attention to this matter, and shortly afterwards the House of Assembly in Upper Canada went so far as to declare that it would be better to apply the reserves rather than distribute them among all the various denominations of Christians to the purposes of education, and of making roads, for which money was wanted in the colony. At one time considerable assistance was given to the Established Protestant Church in the Canadas by grants voted by the House of Commons; but, in consequence of some manifestations in that assembly, a promise was given that those grants should be gradually withdrawn, so that it was to be feared that the church in Canada would be left destitute. He was ready to admit that the Government had acted with a degree of equity in continuing the allowances to the ministers of the church at present in Canada; but these allowances would expire with them, and the result would be, that whereas the number of clergymen in the two provinces, each of which was equal in extent to England and Wales, was already insufficient, that number must, of necessity, be considerably reduced. It was also a matter of regret that no proper provision was made for the maintenance of a bishop, when, in point of fact, it was absolutely necessary for the support of religion in the colonies that two bishops should be appointed. It was undoubtedly true, that some rectories had been lately endowed, and he understood it was the intention of the Government to sanction those appropriations; but they could not for some time be productive, as the land was uncultivated. Such being the case, it was evident, that unless due means were provided for supporting the church in Canada, it must fall; and all persons who had been induced to settle in Canada in the expectation of finding there a Protestant church establishment, would have good cause for complaint. At the time when the grant of those reserved lands was made to the church, who would have ventured to say that after the lapse of a few years all that property would be taken away, or that but a very little portion of it would be left? The different way in which the Protestant church and the Roman Catholic church had been treated was remarkable. The rights of the Roman Catholics were fully recognized by the capitulation of Quebec, and by two subsequent acts of Parliament. He thought that when the national faith was pledged it ought never to be broken; nor did the petitioners desire that it should. They were perfectly willing that the Roman Catholic church should remain in possession of all the advantages assured to it by the Acts of the Legislature; but they claimed equal favour for the Protestant church. Indeed, in one or two instances pensions had been granted to Roman Catholic bishops, whether rightly or wrongly he should not now inquire; and he was informed that after the grant made to the Roman Catholic bishop in Canada was abolished by Act of Parliament, he continued in the enjoyment of the same grant. Was it equitable, then, to withdraw the grants from the bishops of the Protestant church, while the grants to the bishops of the Romish church were continued? Persons who had settled in any colony upon the faith of Acts of Parliament, had a right to expect that those Acts would be observed, and that their claims would be respected. But it was sometimes said, how could this be done? Where could be found the means to support the church? He admitted, that this was a difficulty; but, although it was not for him to point out to the Government the plan they should adopt, yet he might say that, great as it was, it was not insurmountable. The Roman Catholic religion, which had subsisted for so long a time in Lower Canada, had been established and supported by the French when they possessed the colony; and yet it was thought impracticable for the Government of the present day to follow a similar course. It was not his intention to enter into these particulars, but he wished only to state the wants of the church in Canada. It was impossible for the church established there to be conducted with efficacy, and for a proper discipline to be preserved, without bishops being appointed for both the upper and lower province; and if that were done, he thought that, in the course of a very few years, a hundred additional clergy would also be wanted. In a letter which he had lately received from Dr. Stuart, that gentleman said, that it was impossible with such a vast extent of visitation as that which he had, over a distance of 1,000 miles—and he (the Archbishop of Canterbury) had understood, that instead of 1,000 it was no less than 1,800 miles—that one man, however active and zealous he might be, could go through this labour, and do justice to the Christian inhabitants of the parishes. The late bishop had shown his sincerity in this view by sacrificing out of his salary of 3,000*l.*, 1,000*l.* out of it for the accomplishment of his object, and he had so far carried his point as to obtain the appointment of a coadjutor, to whom he resigned that sum as a salary. As soon, however, as he died, that salary ceased, so that the Bishop of Montreal had been left without a salary; and yet the duties he had to perform were so laborious that last year one of his visitations occupied four months, and if it had been of the whole province, it would have taken the rest of the year. In the upper province there were no visitations, no confirmations, and this want of spiritual superintendence was most lamentable. He would ask, too, what was the sum of 1,000*l.* per annum for a visitation of a country as large as England and Wales together? Now, what he should desire was, in the first place, that there should be a competent provision for the Bishops; nothing exorbitant or extravagant, but a moderate allowance, enough for them to pay their expenses, and enable them to live comfortably. Without this, the establishment must be given up. The provision, too, should be solid and permanent, such as by some endowments in the province. If it were ever to be done, it must be done now, for if this opportunity slipped by, it could not be done hereafter; there would be no means of effecting it. He only expressed his hope, that the principle of the original plan of Lord Grenville should be attended to. It was a wise and liberal policy to continue grants for a time until actual means could be supplied, and those means might be, in some degree, furnished by the charity of individuals; but if individuals could be so charitable, why should not the nation be so collectively? Whatever money might be laid out for this object in these provinces would be expended beneficially; it would bring back a large return in the improvement of the morals and the conduct of the people—in the increase of their loyalty, of their obedience to the laws, and, he believed, of their attachment to the mother country. He would say, let not false views of economy or cold calculations prevail over every other consideration; for, in fact, the happiness of the people in Canada was at stake. Did we owe nothing to Canada? Did it not furnish persons with the opportunity of emigrating—a provision of the Poor-laws which he thought most salutary—and thus afford a great relief to this country? But was it just to tell those who went out that they would find the same church established there as they had enjoyed here, when, on their arrival, they really found themselves in a wilderness, miles and miles away from the reach of a minister of the Gospel? He would only refer to the different spirit in which this country had acted as to the black population in the West Indies: we had there raised to ourselves a national monument of our regard to the rights of our fellow-creatures in making so large a sacrifice for the emancipation of the negroes, and for assigning such large funds (and he thought most properly so) for their education and spiritual instruction. Having done this, was it not most inconsistent for us to refuse a few thousands a-year for providing clergy to furnish the comforts of religion to those who had emigrated from this country, and by whose emigration our Poor-rates were so much diminished? But there was another objection. He had been told, and he had often heard it repeated, that the Established Church was in a great minority, and that, in fact, it was the smallest religious denomination in the country. This statement, however, he believed to have been made from prejudice, and by those who did not wish to see the establishment prosper; for, on the other hand, he had been also informed by most credible persons, that the Established Church bore the largest proportion, except the Popish Church, as was to be naturally expected. But there were many circumstances which might occasion this variety of statements, and made it difficult to learn the truth. There were thousands who were without any clergy at all—without any thing reminding them of their belonging to a Christian community, except the sentiments which they had learned from their fathers, or had carried out of this or other countries. No sooner did a clergyman go amongst these people, than they flocked round him, desiring him to baptise them and to preach to them. In one part, they had formed themselves into a body and called themselves Congregational Episcopalians; they had a minister of the Church of England, and had built a church by subscription. He had mentioned this only to show how the calculation might be wrong. If the establishment were as large as this country ought to provide for her subjects in all parts of the world, wherever they might be, instead of its being in a minority, it would be soon found that numbers would embrace it, and raise it to a majority. The only reason of its being so now was, that emigrants were landed in places where there was no religious instruction at all. He had endeavoured to make his statement general, so as to avoid anything unpleasent or offensive to any noble Lord who had been Secretary to the Colonies. He saw noble Lords sitting opposite to him to whom he felt himself bound to make acknowledgment for the courtesy and attention with which they had listened to his representations, and at the same time he must say, that he should be doing great injustice to the present noble Secretary for the Colonies, if he did not make the same acknowledgment to the noble Lord for the frankness of his communications and the readiness he had shown to attend to this subject; and he felt sure that the noble Lord was sincere in the regret which he had expressed that he could not comply with his present proposals. He had felt himself under the necessity of coming forward now, because if he had not done so, all exertion hereafter would be unavailing; but, in addition to this, there was another ground, which was to enter his protest against the doctrine to which he had just referred, that the Established Church was to be looked upon in Canada as only one of those sects which now distract Christianity, and that it was not entitled to any distinction above another; but that Ministers should determine for which sect any grant was to be made. Such was the tendency of the system most generally prevailing in the Colonies, and he thought it right to state, that he always felt it his duty to oppose any thing of that sort at once, and so relieve himself from any remonstrance which might afterwards be made, if things were not arranged according to his views, that he should have stated his objections before. He meant, however, to reserve to himself the power of opposing any scheme as to the colonies which did not make a decent provision for the Church Establishment, and if no other purpose were answered than informing the public what was the policy of the Government as to the Colonies, he should obtain his end; for he believed that the inhabitants of this part of the empire were not acquainted with the real condition of the Colonies although the public had a right to know that, and particularly the state of religion in the Colonies, and to express their feelings on that subject. He then moved that the petition be laid on the table.

The Earl of *Ripon* said, that as an alteration in regard to the grant for the ecclesiastical wants of the province of Upper Canada took place while he had the honour to hold the seals of the Colonial Department, it became his duty to trouble their Lordships with a few observations in explanation of the circumstances under which it took place. In the year 1817, a Committee of the House of Commons instituted an inquiry into the subject of colonial expenditure, and in the report which terminated its labours, there was to be found a paragraph containing a strong recommendation, to the effect that, as far as funds could be raised to meet them, each individual colony should be made to bear its own expense, whether as regarded the charges of Government, justice, or religion. In consequence of that report, the Government of the day thought it their duty to set about a narrow revision of the colonial expenditure, and, in consequence, each succeeding year the amount of the sums voted for colonial purposes out of the general revenue of the country materially diminished. In 1826, the question of the maintenance of religion, and the diffusion of religious instruction in the colonies, came under the consideration of the Government, and the result was, that a plan with that view was adopted, under which it was arranged that the yearly sum of 16,000*l.* should be granted to the Society for the propagation of the Gospel, to be by it distributed among the colonies for religious purposes. It soon became obvious, indeed from the first it was anticipated, that the fair proportion of this sum, to which the province of Upper Canada was entitled, was inadequate to the wants of its population; and accordingly, in 1827, an Act was passed authorising the setting apart of a large mass of land, a portion of the two millions of acres granted by the Act of 1791, for the formation of a fund for ecclesiastical purposes. A fund having in this manner been created, and it appearing to him that it was most desirable with all dispatch to carry out the recommendations of the Committee of 1817, by making the colony, as far as possible, pay the expenses of the maintenance of its church, shortly after entering on the duties of the Colonial Department, he thought it his duty to suggest to the Governor of the colony, as the best mode of executing the purposes of 1791, to create rectories, and endow those rectories with a limited number of acres, applying to them money to bring them to a state of produce and income. According to his view of the subject, this plan would have most effectually met the object for which the original arrangement was proposed. The right rev. Prelate had stated, that the Church, by what had been done, had been left in state of complete destitution; but, in expressing that opinion, the right rev. Prelate seemed to have forgotten that the law had not been altered in a way to deprive the Church of the provision made for it by the Act of 1791. In sending out his instructions to the Governor, he had particularly directed him to keep in view the purposes for which that Act had been passed, and he believed his instructions had been religiously complied with. As yet, however, nothing had been done; for though the colonial government had taken the matter into consideration, their act had not yet received the sanction of the Imperial Parliament, and it would be quite competent for either House, should they so think fit, to reject it. He certainly concurred most cordially in the sentiments expressed by the right rev. Prelate as to the obligation on them to maintain in the colonies the Established Church; but in respect to those colonies which came into the possession of Great Britain by foreign conquest, there was in this respect very great difficulty, because no one of them surrendered without expressly stipulating for the maintenance and support of their religion; so that, in point of fact, the Church of England in those Colonies did not and could not stand identically on the same footing that it did in this country. In the province of Upper Canada there was the peculiarity of two established religions—the Catholic religion, which England had engaged to maintain, and the Protestant religion, as the religion of the mother country. In taking the course he did, he certainly did not believe, nor did he now, that he was doing anything to weaken the Church, or deprive it of its just influence; and, he might add, he was convinced that the plan he had suggested would, if acted upon, place it on a footing from which it could not be overturned.

Lord *Glenelg* observed, that the subject now before their Lordships was of great importance, inasmuch as there was no point which so excited the feelings of all classes in the colonies as that relating to the support and maintenance of the different religious denominations. In deciding upon it much deliberation was necessary, and above all it was indispensable that the peculiar circumstances of the several colonies should be considered, and that as far as possible a deference should be shown for the opinions of the colonists themselves, as expressed by their local legislatures. The most rev. Prelate had observed on the great duty of improving the means of religious instruction in the colonies. He fully agreed with him on this head; but it was necessary in doing so to consider their means, and also that the colonists themselves had a right, and laid claim to the right, of deciding in what manner this should be done. The right rev. Prelate had alluded to the act of 1791, and had stated very generally that that act was passed to provide for the religious instruction of the people of Canada. He would shortly state what were the provisions of that act as it related to this subject. The act of 1791 provided that the one-seventh of every grant of land should be reserved for the support of the Protestant clergy. That act also provided for the establishment and endowment of rectories, which were to be given exclusively to the clergy of the Church of England. He should now state what might be called the historical facts relating to this subject. The act of 1791 appropriated two millions of acres to clergy reserves; but, in 1827, another act was agreed to, by which a sale of the clergy reserves was authorised, of 1,000 acres at a time, to the extent, on the whole, of one-fourth of the two million acres, and providing that the money should be transmitted to this country and placed in the funds with a view of being applied to the benefit of the clergy. In the year 1832 his noble Friend (Lord Ripon) recommended the House of Assembly to take into consideration the act of 1791, with a view to make such changes as were necessary for a proper disposition of the clergy reserves. His noble Friend suggested one mode of alteration, which was this: that the legislature of the colony should pass an act, transferring the reserves to the Crown, thus converting them into a part of the Crown land revenue. That was the suggestion which his noble Friend made to the House of Assembly; and it was important to remark that in referring that question to the Assembly his noble Friend only acted in accordance with the act of 1791, which expressly provided for the case of the local legislature altering or repealing that act so far as it related to the clergy reserves. The Assembly entertained the proposition, but no act was passed confirming it. So far from refusing to consider it, the subject was revived in two or three years, and in the very last session a bill was proposed for the transfer of these reserves to the

Crown, which was lost only by one vote. He admitted that England was bound to redeem the pledge which she gave in 1791. As a member of the Church of England he was most anxious to promote the extension of that religion in all our colonies; but he must beg leave to observe that this was a question of considerable debate and discussion. He felt obliged to state, that it was by no means admitted generally that the Church of England had an exclusive right to the clergy reserves. About 1823 a solemn claim was made by the Scotch church for a participation in the clergy reserves. That claim was referred to the law-officers of the Crown, Lord Gifford and Lord Lyndhurst; and it was their opinion that the act of 1791, giving the reserves for the support of the Protestant clergy, comprised the two established churches of Scotland and England. They were of opinion that the clause referring to endowments and rectories applied exclusively to the Church of England; but they declared that, with this exception, provision being made for the Protestant clergy meant those of the Scotch as well as of the English church. The Committee which sat in 1828 expressed their entire agreement with the opinion of the law-officers of the Crown respecting rectories, and recommended that there should not be a complete exclusion of other denominations of Protestant clergy. Therefore it was perfectly clear that it was not an undisputed question that the Church of England had an exclusive right to the clergy reserves. But even assuming that it was not questioned, he believed that Mr. Pitt and Lord Grenville, if they had been told forty years ago that the Assembly should claim some voice in this matter, and that the various persuasions of Christians should put forward claims to the clergy reserves, and should appeal to the local Assembly to grant their demands, would have said, upon such a surmise being made, "that is precisely the state of circumstances provided for in the act of 1791: we know how difficult it is to legislate upon such a subject for a population likely to increase to a vast extent, and how absurd it would be to fix and determine upon a new system when there are scarcely any inhabitants. To make a law, and declare it irrevocable, and like those of the Medes and Persians lay it down as binding for all ages, is an ambition which we do not possess; but looking to the progress of things, and to the certainty of a change of circumstances, we have made provisions in this act which will enable the local legislature not only to modify, but to vary or totally repeal it." It was quite inconsistent with this clause to assert that it was not competent to Parliament or to the local legislature to make any alteration that was deemed fit in the act of 1791 respecting the clergy reserves. How, then, stood at this moment the income which the Church of England received in Upper Canada? The most rev. Prelate had adverted to the mode in which the clergy of the Church of England were supported previous to that year, which was by Parliamentary grants out of the army extraordinaries. This was certainly a strange mode of supplying their grant to the clergy; and in the year 1832 it was determined that this demand should be included in the estimates, the Government giving a pledge that no fresh appointments should be subsequently put on the estimates, but that a reduction should be made, by large steps annually, and that finally the applications to Parliament should die away, on the removal or death of the incumbent. The Society for the Propagation of Christianity remonstrated most justly at the sudden defalcation which was caused in the resources for religious purposes. The consequence was an agreement of this nature: the Government undertook to support the whole of the clergy of Upper Canada, who had formerly been paid out of the vote for army extraordinaries, and the Society undertook to maintain those of the other North American colonies, and granted a sum for that purpose of 4,000*l.* a-year. The amount which the clergy received consisted of the interest of the sum vested in the three per cents., which amounted to 6,000*l.* a-year, and that not being sufficient, it was necessary to resort to the Crown revenues, out of which a sum was also paid of 2,500*l.* Therefore, the total sum now devoted to the support of the clergy amounted to 8,500*l.* a-year. Now, it must not be supposed that this sum was paid without creating discontent amongst the other religious denominations in the province. The members of the Church of Scotland felt most deeply on the subject. They presented many memorials to the colonial department, and last year they sent a deputation to the General Assembly of Scotland, which complained as loudly as the Church of England could do if similarly circumstanced, stating that they were deprived of their just right to a participation of the clergy reserves, which was sanctioned not only by the legal authorities to whom he had referred, but admitted by every successive Government. The General Assembly had accordingly taken up the subject very warmly, and the agitation on this subject might lead to petitions from other quarters. The Church of Scotland received from the Crown revenues in Upper Canada 1,500*l.* a-year, and the clergy of the Synod of Ulster 700*l.*, making in all for the clergy of that class of religionists 2,200*l.* The Catholics also received from the same source 1,500*l.* a-year. Undoubtedly the members of the Scotch Church formed a numerous and powerful body in that colony. All these questions tended to involve this subject in very great difficulty and perplexity, which was not to be unravelled by the will of the Parliament of this country. No assembly was competent to deal properly with this question but the local legislature. But now it was proposed and urged, that additional funds should be given for the benefit of the Church of England. In speaking of that Church, he wished to observe what course had been taken with respect to the Bishop of Montreal. The late Bishop of Quebec, whose merits and character it was impossible to laud too highly, had a sum of 3,000*l.* a-year granted him in the estimates. He stated his wish to have a coadjutor appointed, offering to give him 1,000*l.* a-year out of his own income, upon being informed by the Government that they were under a pledge not to place a fresh appointment on the estimate for the constitution of a new bishopric. Dr. Mountain accordingly went to the bishopric of Quebec as coadjutor, receiving 1,000*l.* a-year, and continuing to be paid 900*l.* a-year as rector and archdeacon. Shortly after, the Bishop of Quebec died, and then the Government felt it very difficult to propose a vote for continuing his coadjutor's income to Parliament, and they certainly would not have done so if the situation of Lower Canada had been such as to admit a proposition being made for granting an income to the Bishop of Montreal. They felt, however, that without any departure from their engagements they might, under the circumstances, submit that a grant of 1,000*l.* a-year should be made to the Bishop of Montreal, which would make his income the same as that which he received during the life of the Bishop of Quebec—about 2,000*l.* a-year. But as it was agreed that the bishopric of Quebec should cease with the last holder, it was now proposed that a bishop should be appointed in the Upper Province. On this subject he had only to state, that if funds sufficient for such a purpose were found in the province, the object which was contemplated would be most desirable; but he confessed he did not see how this expense could be defrayed out of any resources but those at the disposal of the local legislature. The clergy reserves and the Crown revenues were now placed under the control of the local assembly, and it would be impossible to interpose by an Act of the Parliament of this country for the appropriation of part of these funds to the purpose which he had mentioned. If provision could be made for this object out of the other revenues of the province, he should be pleased at the undertaking, and instructions were given to the governor to bring this subject especially under the notice of the Assembly. As to an application to Parliament, he did not think it advisable to make such an appeal, nor did he entertain strong hopes of its success, when it was considered that the subject was to be brought under the consideration of the Assembly, out of whose hands it would be ungracious and unfair to take it, particularly when it could not be known whether they would not provide most amply for the wants of the Church.

The Bishop of *London* had only a few observations to offer to their Lordships, but they appeared to him to be of considerable importance. It was perfectly true, as had been stated by the noble Lord, that there was a clause in the Act, reserving to the local legislature the power of modifying or altering the provisions of the Act. That, it was quite clear, was prospective, and did not enable the Legislature to repeal the provisions of the Act. He (the Bishop of London) denied that the Imperial Parliament, even backed by the Colonial Legislature, had the power to do away with the provisions of that Act, as enforced with regard to the revenues of the Protestant clergy. One word upon the expression, "Protestant clergy." He did not mean to define whether the term applied singly to the clergy of the Established Church of England, or to the clergy of the Church of Scotland, or whether it did not include both. Two eminent lawyers, the then law officers of the Crown, had certainly held that the term included both. Another eminent lawyer, now holding a high judicial station in the country, was of an entirely different opinion. Such differences of opinion appeared to him (the Bishop of London) clearly to show, that a question of that nature was not to be settled or determined by the opinions of the law officers of the Crown, or of lawyers, however eminent, but that it could only receive a final and satisfactory adjudication from the judicial tribunals of the country. With regard to the supposition that the term, "Protestant clergy" may include ministers of different denominations, he had one simple and conclusive answer to give. He defied the noble Lord to point out any statute in which the clergy of any other establishment were meant, except the clergy of the Established Church.

Lord *Glenelg* was understood to say, that with respect to the clergy of the Church of Scotland, Government had ever since the period he alluded to assumed and acted upon the position, that the clergy of the Scottish Church were within the provisions of the Act.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, March 9, 1838.

Minutes.] Bills. Read a first time:—Glass Duties' collection; Post-Office Government.

Petitions presented. By Lord Castlereagh, from the Corporation of Bangor, and by Mr. Shaw, from the High Sheriff and Grand Jury of Wexford, against certain clauses in the Irish Poor-law Bill.—By the Earl of Shelburne, from Calne, by Mr. Lister, from parishes in the East Riding of the county of York, by Mr. Scholefield, from three Congregations of Protestant Dissenters in Birmingham, by Mr. Burroughs, from numerous places in Norfolk, by Mr. Wrightson, from Northallerton, by Mr. Pendarves, from various parts of Cornwall, by Mr. Wilson Patten, from Ramsbottom, and two other places in Lancashire, by Mr. Sanford, from the Society of Friends, and four Dissenting Congregations in Bridgewater, and from Chard, and other places in the county of Somerset, by Mr. Heathcote, from various parts of Lincolnshire, by Mr. Goddard, from Cricklade, and by Mr. Baines, from a place in the county of Cambridge, for the abolition of Negro Apprenticeship.—By Mr. Godson, from Kidderminster, against the Rating of Tenements' Bill.—By Mr. Howard, from Arklow, in favour of the Poor Relief (Ireland) Bill.—By Mr. Colquhoun, from Dumbarton, for an improved system of Education in Scotland.—By Colonel Conolly, from the Diocese of Clogher, for the restoration of the ten suppressed Sees in Ireland.—By Sir E. Knatchbull, from Stage-coach proprietors, complaining of the heavy taxation to which they are liable as compared with the taxation on Steam Conveyances; and from Walmer and Sandwich, against the Municipal Boundaries' Bill.—By Mr. P. Miles, from the Mayor, Aldermen, and Burgesses of the city of Bristol, for a reduction in the duties on the admission of Freemen.—By Mr. Chute, from a Board of Guardians in Norfolk, in favour of the Rating of Tenements' Bill.—By Mr. Chalmers, from Arbroath and other places, and by Mr. Elliot, from the Secession Churches of Kelso and Roxburgh, against any additional grants to the Church of Scotland; and for a system of Education which should recognize no distinctions on religious grounds.—By Mr. Plumptre, from inhabitants of Blackheath, against admitting Catholics to Parliament.—By Mr. Hume, from Finglassie, in the county of Fife, against the Corn-laws.

Copyholds and Manors.] Sir *E. Sugden* said, that, with regard to the bills which had been introduced by the hon. and learned Gentleman, the Attorney-General, and which stood on the paper for a second reading that night, he had now read those bills, as well as the opportunity which he had had allowed him. To some of them he apprehended there could be no objection, but two of them were of great importance. By one of them the rights of lords of manors were, in many places, taken away, and transferred to the Crown, and the other altered the modes of descent which had prevailed in this country for a long time. He was not giving any opinion on the merits of those measures, but they were of so much importance that he did not think it right or proper that they should be read a second time merely *pro formâ*, but that a day ought to be appointed for their discussion.

The *Attorney-General* was exceedingly anxious that these bills should come on immediately for discussion. There was nothing he regretted more than that any delay should be interposed, and he had entertained a hope, that the principle of these bills would not have been opposed, however their details might have been disputed. He had thought that no difference would have existed in point of principle, either as to the propriety of ameliorating the law regarding copyhold, or improving the law of escheats, or rendering more uniform the operation of the law of descent. If, however, any hon. Member was desirous of a general discussion upon these questions, he (the Attorney-General) would, of course, assent. But he must observe, that, if these matters were deferred to a subsequent period of the Session, the delay which would thus arise, he (the Attorney-General) should exceedingly deplore. These were questions which had nothing to do with party. He would, however, indulge in no comment upon the delay which was thus interposed, although he greatly regretted it.

Sir *E. Sugden* said, that there was no objection to the two bills with regard to Copyhold and the Manorial Boundaries' Bill being immediately proceeded with. These three bills, he (Sir E. Sugden) believed to be right in principle, and he threw no impediment whatever in their way. He had, however, thought, that the hon. and learned Gentleman purposed taking all the Bills together.

The *Attorney-General* said, that if no

other hon. Member was disposed to offer any objection, he would move that these three bills be now read a second time. It was, undoubtedly, true that they formed but one branch of the whole subject; but the public would derive great benefit even from these three bills separately.

The Copyhold Enfranchisement Bill, the Copyhold Improvement Bill, and the Manorial Boundaries' Bill, were read a second time.

THE CHURCH (IRELAND).] Lord *Stanley* said, that, about a fortnight since, the noble Lord opposite (Lord John Russell) had said, that, in the course of some time, he should be prepared to state the course which Government would adopt with regard to the Irish Church. He wished to know at what time it was proposed to bring this matter forward, and what course Government proposed to pursue? He would also take the same opportunity of asking his noble Friend, the Secretary for Ireland, whether or not he had succeeded in obtaining a return of the proportion of tithes paid by the landed proprietors, as compared with the portion paid by the tenants in Ireland?

Lord *J. Russell* said, that with regard to the Tithe Bill, he hoped to be able to lay this subject before the House in the couse of the present month. He hoped to be able to state the principles and details of this bill before bringing forward any other measure relating to Ireland.

Viscount *Morpeth* said, in reply to the noble Lord's question, that he had instituted an inquiry last year, but had found an almost insuperable difficulty in the way of obtaining the information which the noble Lord desired; and he had therefore no communication to make upon the subject.

Mr. *Shaw* believed, from information which he had received, and upon which he thought he might rely, that very nearly one-half of the amount now paid in Ireland in the shape of tithes was paid by the landlords.

CONTROVERTED ELECTIONS.] Mr. *C. Buller* could not hope that the House would proceed to the discussion of the Controverted Elections Bill that evening, considering the subject which was now before it. Several Gentlemen had taken considerable interest in it; and recent circumstances had rendered it desirable that the House should solemnly and seriously discuss it. He should be sorry, however, that any arrangement should be entered into with regard to this bill which would bring down hon. Gentlemen in the expectation of being present at a discussion upon this bill, and expose them to the disappointment of finding some other business before the House; and he therefore desired to see the discussion upon this bill fixed for some definitive period. If he (Mr. Buller) were not enabled to bring on his bill on Monday, he might not have it in his power to bring it on at all this Session, or, at all events, not before Easter.

Sir *R. Peel* thought, that this subject was of such importance, that her Majesty's Government might with great propriety fix some definitive day—say Friday next—for its discussion. There could be no more important question for discussion than that of the improvement of the mode of trial of Controverted Elections. But the subject could not be proceeded with without some preliminary discussion—the discussion, for instance, of that great preliminary question whether or not there would be any evil in the House of Commons parting with this jurisdiction. The importance of this subject could not be overrated.

Bill postponed.

POOR-LAW (IRELAND).] The House went into Committee on the Poor Relief (Ireland) Bill.

On Clause 59, declaring what hereditaments shall be rateable,

Mr. *W. S. O'Brien* observed, that while he admitted there were some classes of income, such as funds, which they could not reach by this bill, yet he could not see any objection to their including all jointures, annuities, and rent-charges arising from land. There was another omission which he was sure was only one of inadvertency, as it related to tithes, which were included—namely, ministers' money. The hon. Member then moved an amendment to the effect that these several species of income be included in this clause.

Mr. *O'Connell* was of opinion, that all rent-charges and annuities in the shape of rent should be made rateable. It was his intention to move the insertion in the first line of this clause of the word "rents," and also that the "rights of water-power" at present included in the clause, be exempted from the rate.

Mr. *Shaw* did not think the amendment of the hon. and learned Gentleman (Mr. O'Connell), by introducing the word "rents" would fairly raise the question at issue; for rents, popularly so called, that was, the sum receivable by the landlord from his tenant, was not rated separately, or intended to be so under the bill; the rate was, in the first instance, to be paid by the occupier, and then, in the proportions stated in the bill, stopped from the landlord's rent; but the real difficulty arose in the case of jointures, annuities, and other incumbrances, with which, unfortunately, the landed property of Ireland was in general heavily charged. Cases had been stated to him, where, if the whole charge of the poor-rate fell upon the owner of the estate, the greatest hardship and injustice would be the consequence; he knew one estate let for 999 years, at a rent of 1,000*l.* per annum, of which the present proprietor was tenant for life, and his father had charged the estate with a jointure of 400*l.* a-year, and a sum for younger children, the interest of which amounted to 540*l.* a-year, leaving to the owner but a sum of 160*l.* a-year as his present share—a sum which, if he be made liable for poor-rates, the entire estate, may not be sufficient to pay the poor-rate alone. If these incumbrances had followed the enactment of a poor-law, as was generally the case in England, the proprietor would have no reason to complain; but in Ireland, where, for the first time, a poor-law was to be inflicted on a heavily encumbered landed proprietary, the case was very different.

Mr. *Litton* supported the insertion of the words "jointures and annuities," on the ground that the present was an entirely new measure, and was not contemplated by the granters of those incomes. The principle of this bill was to equalise the burthen of supporting the poor; it was with that view the bill was allowed to go into Committee, but leaving the clause as it now stood, would not carry out that principle. To all who had a practical acquaintance with the state of property in Ireland it was well known that, generally speaking, estates were charged to very nearly their full value, and the owner in fee enjoyed so small a residue, that it would be most unfair to prevent the imcumbrances from being rateable. The owner in fee, in a very great number of instances was literally but the agent for the annuitant, and he believed no practical man would deny that at least one third of the estates in Ireland were so circumstanced. Was it fair, just, or reasonable, that the annuitants who were far better off than the proprietors of the soil, should receive their incomes in full, while the owner in fee was left to struggle on the small pittance which now remained to him, still further reduced by this impost? Upon these grounds, and because the clause as it stood was unjust in principle, he should support the amendment of the hon. Member for Limerick.

Mr. *Lynch* was of opinion, that nothing could be more injurious and unjust than to tax rent-charges; such a tax could fall on no one but the creditor, who derived no benefit from the property, and would enjoy no reversion; these annuitants gave money or other valuable consideration for their incomes, and where, he would ask, lay the distinction between them and a mortgagee?

Mr. *O'Connell* was surprised to find any Gentleman, still more any lawyer, unable to discern a distinction between the case of an annuitant and a mortgagee; surely there was this wide difference, that the latter could press for the payment of his principal debt, and so relieve himself from the impost, whereas the annuitant was a landlord to the extent of the income he derived, and could not call in his original advance of capital.

Mr. Sergeant *Woulfe* observed, the 69th clause to be introduced by the noble Lord, the Member for Stroud, provided for that.

Mr. *Lefroy* would support the clause as it stood, the principle of the bill being to throw the burden on the land; therefore, neither mortgagee, nor annuitant, nor jointress ought be rated. If the jointress had an estate in the land, then she would naturally become subject to the tax. He thought it right that those who had no estate in the land should be exempted from the rate. In England, annuitants or mortgagees had never been taxed with poor rates, and such a principle ought not to be introduced into the Irish bill. In truth, he hoped before the bill passed that House it would be assimilated more exactly to the English bill than it was at present.

Mr. *Sheil* wished to know if lead mines were exempted from rate in England, why they should not be so in Ireland?

The *Attorney-General* said, it was right they should adopt the law of England where it was just—but not where it was abused.

Lord *Stanley* wished to know what was intended to be done as to rating bogs. Was the part that was cut only to be rated or was the entire?

Mr. *Woulfe* said, it was to be rated in the same way as quarries.

Sir *Robert Rateson* said, he did not think the answer at all satisfactory. There were many parts of Ireland in which landlords never charged their tenants any thing for turf. He for one never did. He gave it as an accommodation to his tenants. He therefore thought it hard that a part of his property from which he derived no profit should be taxed.

Mr, *Jephson* said, that if one acre were only available the whole bog would be rated.

Sir *F. Trench* said, he knew a bog of 20,000 acres which produced nothing, and he thought it most unjust that it should be rated.

Mr. *Lefroy* said, he was at a loss to know whether the Committee was in a mine or a bog. They began with the open mines, but they had now fallen into the bog. But to come back to the mines: it appeared to him, that situated as Ireland was, mines ought to be exempted from the rate. If the law in England were absurd, correct it, but do not introduce the converse of it in Ireland. He thought if the working of the mines were encouraged, the Poor-rates would be assisted. He thought, therefore, upon those grounds the mines ought to be exempted.

Mr. *Roche* said, the sums received by the landlords of the mines ought to be rated, but not the capital employed by adventurers in working them.

Mr. *Lefroy* thought, that the mines of Ireland ought to be exempted from taxation. So convinced was he of the importance of this immunity to the welfare of that country, that he should take the opinion of the Committee on the subject. He begged to move that words "opened mines" be struck out of the clause, in order that mines might not be rateable, if the bill became law.

Viscount *Morpeth* thought, the clause as it stood placed the matter on the fairest and most equitable footing possible. The anomaliesof the law of England ought not to be introduced into Ireland, and as the Government thought that wherever there was profit, whether from above or under ground, the payment of rates should follow, they were determined to adhere to the clause.

Mr. *Lucas* said, that if the noble Lord, the Secretary for Ireland, succeeded in carrying the clause as it stood, it would effect great mischief. He therefore should move that no open mine be rateable for fourteen years after the passing of the bill.

Mr. *Sheil* said, he had just asked the hon. Baronet, the Member for Cornwall, the course pursued in Cornwall and he found that the adventurer was not rated, though the landlord of the mines was.

Lord *Castlereagh* said, he feared the hon. Member for Tipperary (Mr. Sheil) would waste his eloquence in vain, as the noble Lord opposite had said he intended to leave the bill in its present state. With respect to the lead mines, he could state that mines in the county which he had the honour to represent were worked some years since without any profit arising from them. The works were abandoned, but recently they were again worked with considerable profit. He (Lord Castlereagh) had no wish to shield the landlords, but he contended that those who employed capital in working the mines, and who consequently gave employment to the people, should be exempt from the rate.

Mr. *Lynch* said, that nothing could be more fair than the clause was as it stood. It declared that where there was no profit there should be no charge, but where there was, the rates should be payable; the Commissioners to rate according to the value from time to time. This rendered the clause, in his opinion, unobjectionable.

Mr. *O'Connell* said, that property of that kind, and all manufactories under ground, were not rated in England; and he thought it would be more just to relieve Ireland from a tax that England did pay than to subject Ireland to a tax which England did not pay. He did not think the distinction made by the hon. Member for North Lancashire between bogs and quarries held good. They were quite analogous, and in both cases the subject matter was carried away. It was his determination, before the Bill left the Committee, to move a proviso, exempting bogs altogether. By a decision of the Court of Exchequer in Ireland, cutting turf was held to be waste, and no tenant could cut turf unless there was a special permission in his lease to do so. He did not know anything that would be felt a greater hardship by the poor of Ireland than the deprivation of this permission to cut turf, and he thought subjecting bog-lands to the payment of rate would have an injurious effect in that respect.

Mr. Sergeant *Woulfe* said, that the only question they had to consider was, how a certain sum was to be raised, and if they exempted one kind of property from contributing to that sum, they must lay an additional burthen on some other kind of property. He thought this kind of property ought to be rated on the same principle as other property.

Mr. *C. Buller* thought, that the tax ought to be put, as in all other cases, upon the rent paid to the landlord, taking the rent as a measure of value. He could mention many instances where sums to a very great amount had been expended in making mines productive, and where no profit could be expected to arise for several years, though they ultimately became productive. Now, it would be unjust to cast aside all the losses of former years, and, when the mines became productive, to make a new valuation, for the purpose of taxing them. He thought, that to subject this kind of property to the payment of the rates would operate as a very great discouragement to the employment of capital in the working of mines in Ireland.

Sir *W. Somerville* had recently opened a copper mine on his estates in Ireland, one of his objects in doing which, was to give employment to the poor, where it was much wanted. He thought that subjecting this kind of property to taxation would operate as a very great discouragement to the employment of capital in speculations of the kind. Should they be indisposed to consent to a total exemption they ought at least to adopt the proposition of the hon. Member for Monaghan, giving an exemption for a limited number of years.

Lord *J. Russell* saw no reason for the exemption of this kind of property; however, as the hon. Member for Monaghan's proposition only provided for an exemption for a limited number of years, he would have no objection to agree to it, but could not consent to a total exemption.

Amendment withdrawn.

Mr. *Shaw* said, with respect to tithe owners, he thought that they ought to be placed in the same condition as the landlord. It would be very hard to call on the clergyman to pay the rates in respect to tithes which might never be paid. He thought that the tithe-payer in the first instance ought to be chargeable with the rate, and that he should then have the power of deducting the proper amount from the tithe-owner, but no person could contend that the tithe-owner ought to be made pay that which he might never get.

Viscount *Morpeth* said, that this point had been debated last year, and the Committee had been induced to adhere to the present course by two considerations. The first was, that they ought not to complicate the relations between landowner and tenant; and, secondly, that as the whole tendency of their legislation was to remove the payment of the tithes to the highest landowner, it would not be consistent with that tendency to throw the burthen in this instance upon the occupier.

Mr. Sergeant *Woulfe* said, that the tendency of this proposition would be to throw the burthen of the entire poor's rate in the first instance on the occupier. In a few years more the occupiers in Ireland would no longer be the persons who would have to pay the tithe composition, so that they would have the occupier paying the rates for the clergyman though not being the person chargeable with the payment of the composition. The preferable mode appeared to him to be to treat tithe composition as in itself a substantive property. As to the difficulty of getting clergymen to pay the rate, he was quite sure they would be as ready as any other class to contribute their just share to relieve the wants of their fellow-countrymen.

Mr. *Shaw* said, that his objection had not at all been answered. What he complained of as a hardship was, that clergymen should be called on to pay rates before they got tithes, which, perhaps, after they had paid the rates in respect to them they might never get. He was quite sure when they were paid their tithes they would be quite willing to pay their rates, but he contended it would be a hardship to make them chargeable with rates on tithes which they might never be paid.

Mr. *Sheil* thought, if it was unfair towards the clergyman to make him pay before he received his tithes, it should be held equally unjust to the landlord to make him pay before he received his rent. On the 1st of September last, he owed a year's tithes to the rev. Mr. Thomson, and he was immediately compelled to pay them, though he had not been paid his rents. The rev. gentleman filed a bill in equity to recover the tithes, although he (Mr. Sheil) had not received one farthing of rent. His tithes and his rent were both due on the 1st of November, but he was forced to pay his tithes, although he had not received any rent. Would the hon. Member for Sligo relish this? He (Mr. Sheil) was satisfied that if the bill were altered in this particular, the poor rate would be blended with the rent.

Colonel *Perceval* said, that the clergy in his neighbourhood were ready to wait for their tithes till the rents were paid.

Mr. *Shaw* moved, that the words "all tithes and compositions or rents in lieu of tithes," should be left out of the clause. He admitted, that this was an inconvenient way of putting the question; but he did it to raise the consideration whether the clergyman should be placed on a different footing from the landlords, but that he should not pay rates for his tithes till he had received them.

Mr. Sergeant *Woulfe* remarked, that this was precisely similar to the case of the clergy in England, who were liable to pay rates for such tithes as were receivable.

Mr. *O'Connell* said, that this clause only declared that tithes should be rateable, and did not provide for their being levied. He thought that the whole objection would be remedied if power were given to the guardians to levy the rates against the composition, and not to proceed against the clergyman.

Sir *E. Sugden* said, that that there was no reason why rates should not be paid by clergymen in Ireland as well as in England: and as the hon. Member for Dublin proposed a remedy *in rem* and not *in personam*, there was no objection to leaving these words, and introducing the proposed remedy against the composition only, unless the clergyman had received the money.

The *Solicitor-General* said, that the very question was raised on the English Tithe Commutation Act, and he thought that by adopting the words of the English Act the suggestions of the hon. Member for Dublin would be fully met.

The clause with amendment, to stand part of the Bill.

Clause 62 (existing surveys to be used if sufficient; if not, the guardians to cause fresh surveys to be made).

Sir *Robert Ferguson* said, that too much power was given to the Commissioners by this clause. The making of surveys was a matter entailing great expense on the country, and which, in its present state it could scarcely bear, and he really thought that the Ordnance surveys, which had been already made, should be used.

Viscount *Morpeth* said, that the Ordnance surveys, which had been already made, did not extend to more than half the country. It was only in the absence of such surveys, or when they were insufficient, that it was proposed that fresh ones should be made in order to carry out the provisions of the Act.

Mr. *Lucas* said, that the Ordnance surveys were townland surveys, and were not therefore, applicable to the purposes of this Bill.

Sir *Robert Ferguson* said, that if they were not, he really hoped that they would not be continued, for the Irish people were already taxed with immense charges on this head without reasonable cause.

Mr. Sergeant *Woulfe* suggested, that the Ordnance surveys had nothing to do with the Bill unless they should be found useful for its purpose. If new surveys were required why should they not be made?

Sir *Robert Ferguson* would then move an amendment to the clause, to the effect that the consent of two thirds of the Guardians should be required to decide what surveys should be used, and he would take the sense of the Committee upon the subject.

The Committee divided, on the Amendment:—Ayes 27: Noes 50: Majority 23.

List of the AYES.

Archbold, R.
Blake, M. J.
Browne, R. D.
Douglas, Sir C. E.
Eaton, R. J.
Finch, F.
Forbes, W.
Gladstone, W. E.
Hayes, Sir E.
Hodgson, R.
Hughes, W. B.
Hurt, F.
Jackson, Sergeant
Jephson, C. D. O.
Jones, T.
Lefroy, rt. hon. T.
Litton, E.
O'Connell, D.
O'Connell, M.
Perceval, Colonel
Roche, D.
Rolleston, L.
Round, C. G.
Shaw, right hon. F.
Style, Sir C.
Vigors, N. A.
Villiers, Visct.

TELLERS.

Ferguson, Sir R. A.
Bateson, Sir R.

List of the NOES.

Acland, Sir T. D.
Baring, F. T.
Beamish, F. B.
Brotherton, J.
Bryan, G.
Chalmers, P.
Childers, J. W.
Craig, W. G.
Curry, W.
Fitzalan, Lord
Fitzsimon, N.
Fleetwood, P. H.
French, F.
Gillon, W. D.
Gordon, R.
Hall, B.
Harvey, D. W.
Hobhouse, rt hn. Sir J.
Hodges, T. L.
Howard, P. H.
Hutton, R.
Langdale, hon. C.
Lucas, E.
Macleod, R.
Mahony, P.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
Parker, J.
Pinney W.
Power, J.
Redington, T. N.
Rice, right hon. T. S.
Roche, E. B.
Roche, W.

Rolfe, Sir R.
Russell, Lord J.
Scrope, G. P.
Seymour, Lord
Sheil, R. L.
Sinclair, Sir G.
Somerville, Sir W. M.
Spencer, hon. F.
Stuart, V.
Wakley, T.
Westenra, hon. H. R.
Wood, G. W.

TELLERS.

Lynch, A. H.
Woulfe, Sergeant

Clause agreed to.

The House resumed, Chairman reported progress, Committee to sit again.

HOUSE OF LORDS,

Monday, March 12, 1838.

MINUTES.] Bill. Read a third time:—Waterman's.

Petitions presented. By Earl STANHOPE, from a place in Lancashire, for the immediate and total repeal of the New Poor-law.—By Lord BROUGHAM, from Great Yarmouth, Asford, near Leeds, Horsley, the Society of Friends Meeting at Macclesfield, Laugharne, Ebenezer Chapel (Dewsbury), Pudstone, parishes in Dorsetshire and Northumberland, and various other places, praying for the abolition of Negro Slavery; from Jedburgh, Kilmarnock, the Relief Church, Hutchinson's-town, Glasgow, the Relief Church, Regent's-place, Glasgow, the Congregation Meeting at Nicholson-street, Glasgow, Stewarton, and its neighbourhood, the Relief Church in Paisley, Haddington, and its neighbourhood, United Secession Congregation of Edinburgh, Seceders of Dumbartonshire, and various other bodies, that no further Endowments be granted to the Church of Scotland; from the Working Classes of Preston, to protect the right of associating for the protection of labour, and to obtain mercy for the Glasgow Cotton Spinners.—By Lord POLTIMORE, from Edinburgh, for a reduction of the rate of Postage.—By the Earl of DEVON, from a Prisoner in Whitecross-street, for the abolition of Imprisonment for Debt.—By the Marquess of SLIGO, from Armagh and other places, for the abolition of Negro Apprenticeship.—By the Duke of RICHMOND, from Yarmouth, to adopt Mr. Hill's plan with respect to Postage.

POOR-LAW — DUDLEY DIETARIES.] The Bishop of *Exeter* had to present to their Lordships a petition on a very important subject, to which he requested their Lordships' particular attention, not only on account of its importance, but also because it was of a very delicate nature, and might therefore, perhaps, create some excitement in the House. He should deal with the subject in a very temperate manner, and he must say, that the petitioners had conducted themselves with much moderation. The petitioners were the guardians of the poor of the Dudley Union, and they prayed their Lordships to protect them against the extraordinary powers which were intrusted to the Poor-law Commissioners under the new act, and prayed that there might be given to them, and to all other boards of guardians, the liberty to provide for their poor in such a manner as they in their discretion might think fit. The events out of which the petition arose were these:—Some time ago a dietary table was agreed to for the Dudley Union, which from the first gave great dissatisfaction to many of the petitioners, they being perfectly aware that, from the nature of the employment around Dudley, it was impossible that those who were temporarily compelled to resort to the workhouse, in consequence of a cessation of employment, would be able to resume their severe labour after having been dieted according to the proposed table. They felt, indeed, that the diet prescribed by the Commissioners was not sufficient adequately to sustain human beings. It happened, that, a short time afterwards, the guardians became acquainted with the dietary of the city of London union; and they found that dietary so much more considerable than the dietary prescribed for the Dudley Union, that they, without hesitation adopted it. They announced their resolution to the Commissioners, who, in consequence checked and rebuked them for having adopted that diet table without having communicated with them in the first instance before they took such a step; telling them, at the same time, that the London table had only been allowed for a short period, and under particular circumstances. The guardians, however, still persisted in adhering to the alteration, declaring that they would endeavour to secure to the poor a more fitting diet than that proposed by the Commissioners. Being aware, from their local knowledge, that the diet table sanctioned by the Commissioners did not afford a proper support for the inmates of their workhouse, they persevered in giving to their paupers the diet allowed in the city of London union. In answer, the Commissioners told them that the master and matron of the workhouse had no right to act in disobedience to their positive orders, even though they had the sanction of the board of guardians, and that if they persisted, such measures would be adopted as would show them, that even though the master and matron pleaded the orders of the guardians, it would not protect them, and they should be made to answer for their disobedience. That naturally called forth some strong observations on the part of the guardians. They stated, that so far from the fact being that there were circumstances in the London district which required a more liberal dietary there

—the fact was, that the inmates of the workhouse at Dudley were persons who had been from their youth inured to hard labour at the forge or in the mine, and accustomed to that substantial diet which was necessary to keep up their strength for such employment. The guardians, therefore, considered it to be their duty to God and to their fellow-men not to relax in their exertions, but to endeavour, by every means in their power, to ensure for their poor and unfortunate neighbours, who were obliged, from want of work, to seek refuge in the poorhouse, a sufficient allowance of food. When the present petition was drawn up, no answer had been received from the Commissioners, but since that, an Assistant-Commissioner had been sent down to Dudley, and something had been done, but not satisfactory to the guardians. Their Lordships were now called on to consider the fitness of the diet table of the Dudley union to keep up and preserve the strength of men who, when in employment, were obliged to labour at the forge. The right rev. Prelate then read as follows:—

DUDLEY UNION DIET TABLE FOR ABLE-BODIED MALE PAUPERS.

"On three days of every week—21oz. of bread, 3½oz. cheese, and 1½ pint of gruel, per diem.

"On one other day—20oz. of bread, 1½oz. of cheese, 1½ pint of soup, and 1½ pint of gruel.

"On two other days—5oz. of cooked meat, 1lb. of potatoes or other vegetables, 14oz. of bread, 1½oz. of cheese, and 1½ pint of gruel.

"On one other day—4oz. of bacon, 1lb. of potatoes or other vegetables, 14oz. of bread, 1½oz. of cheese, and 1½ pint of gruel."

Let their Lordships contrast this with

"THE CITY OF LONDON UNION DIET TABLE FOR MALE ADULTS.

"On three days in the week, daily 7oz. of cooked meat, beef or mutton, ¾lb. of vegetables, 1lb. of bread, 2oz. of cheese, ½ pint of milk porridge, a pint of beer at dinner and a pint at supper.

"On three other days (instead of meat), 1½ pint of soup (made on a good allowance of materials), and a single pint of beer. Other articles (except vegetables) the same as on the three former.

"On remaining day, instead of meat or soup, 1lb. of suet pudding; or boiled rice, with milk and sugar; a pint of beer at dinner and a pint at supper. Other articles the same as the last mentioned three days."

Now he would ask, was the allowance apportioned in the former dietary sufficient to support and sustain the vigour of men who were called upon to perform the most laborious and toilsome work? He conceived it to be his duty, before he mentioned this case, to give full notice of his intentions to the Commissioners, and also to consult one of the most eminent physicians in the country, who had been accustomed to attend the largest hospitals and institutions intended for the benefit of the poor, and he, said the right rev. Prelate, on my communicating to him the two diet tables, tells me, that, in his judgment, the one prescribed for the Dudley union is not sufficient to preserve able-bodied paupers in health, or to prevent them from falling into actual disease, much less to keep them in a condition to resume their ordinary work. He particularly thinks, that the entire exclusion of beer from the diet of this class of persons is highly objectionable. The London union diet table appears to him sufficient, but not too great. [Lord *Brougham*: Name.] He did not suppose that the physician would object to his name being mentioned; but, for the present, he would, on his own responsibility, forbear to bring that gentleman's name forward. Now he would lay the convalescent dietary of the St. George's Hospital before their Lordships, and they could contrast it with the two former:—

"DIET TABLE.—ST. GEORGE'S HOSPITAL. ORDINARY DIET.

"Breakfast, 1 pint of tea, ½ of a pint of milk.

"Dinner, 6 ounces of meat roasted (weighed with the bone before it is dressed), and ½lb. of potatoes. (This is only half the meat allowed for extra diet.)

"Supper 1 pint of gruel, and ½ of a pint of milk.

"12 ounces of bread, and 1 pint of beer daily."

Under these circumstances, the Guardians of the Dudley Union prayed their Lordships to make such an alteration in the law as would enable them to do what they thought their duty to God and their duty to man required, in giving to the inmates of their workhouse a wholesome and sufficient dietary. They say—

"Your petitioners, therefore, consider themselves imperatively called upon, in discharge of their duty to those of whose interests they are the lawfully appointed guardians, to petition your right honourable House; and they do implore your right honourable House to make such alteration in the present law as may enable them to fulfil the trust which is reposed in them in a way satisfactory to their consciences, and agreeable to the dictates of religion and humanity; and so to abrogate or abridge the extraordinary powers vested in the Poor-law Commissioners as to give to the different boards of guardians throughout the kingdom, who, living amongst the people, are unquestionably the best judges of their wants, liberty to provide for the poor of their respective districts in such manner as they may consider in their discretion to be fit and proper."

The petition was signed by twenty-eight guardians. The names of three *ex officio* guardians were appended to it; but the names of two, appointed by the Commissioners, did not appear.

Lord *Brougham* would not enter upon this question at any length at that moment; but as one who had introduced the Bill into that House, and had recommended it to their Lordships, he thought it necessary to say a few words. He had no right to complain either of the wording of the petition or of the manner in which it had been brought forward. The right rev. Prelate had most accurately stated, that he brought it forward in as temperate a manner as he could, consistently with his desire of doing his duty to the subject. He would then neither enter into the right rev. Prelate's statement nor into the prayer of the petition; but he would be most ready to meet the right rev. Prelate when the discussion came regularly before the House, if he should then entertain the same opinions which he now held, or the noble Earl opposite if he should also retain his opinions [" *Hear, hear!*" from Earl *Stanhope.*] The noble Earl was quite right in that cheer. The opinions which he now held on that subject he was likely to retain till the fit time for discussion, when he should be both ready and anxious to enter upon this great question, for the more inquiry and discussion took place the more satisfactory would be the result to the friends and supporters of the Act. He now only entered his protest against the measure being condemned upon such statements as the present, but he could not sit down without stating his total dissent from what had been assumed and only assumed, because it had never been argued, and still less proved, that extraordinary and unprecedented powers were given to the Central Board of Commissioners or to the Guardians. He denied that any one power or any one authority had been conferred on any of the newly-constituted authorities which were not in existence under the old law, since the time of Elizabeth, with this material difference only, that previously these powers existed and were exercised irresponsibly, unsatisfactorily, irregularly, and in the dark.

Viscount *Melbourne* bore witness to the temperate manner in which the right rev. Prelate had brought forward this subject, and he did hope and trust that, considering the nature of the subject—considering the feelings of the classes of persons most interested—and considering, also, the excitement which unfortunately existed, the same temperate manner would be followed in any future discussions. He understood that, with regard to the complaints of the Dudley Board of Guardians, the dietary table was accepted by the guardians out of two or three submitted to them by the Poor-law Commissioners, and which had been collected from those parishes which appeared, before the passing of the Poor-law Act, to have paid the greatest attention to the subject. That dietary was acted upon till the Board of Guardians read in *The Times* newspaper the dietary used in the city of London Union, when they desired to adopt it. To this the Poor-law Commissioners, as he thought justly, objected; they stated that the London dietary was only temporary, that it had not been sanctioned by them, and that it was only adopted under the particular circumstances of the London Union. The paupers in London were not yet collected into union workhouses; they were provided for by contractors, and the Commissioners had not yet assumed the guidance of the workhouses; the Commissioners did not approve of the dietary table in use; it was only temporarily in force; it was not intended to be permanent; and being thought by the Commissioners to be too large, it had not received their support or approbation. This was the simple case. With respect to the Dudley dietary table itself, he would not then enter into a discussion on its sufficiency or insufficiency; but he must say that he did not think that the opinions of medical men on this subject were always the best which could be attended to, for this was a dietary for persons in health, and medical men were more conversant with that for persons who were sick; even in that case, however, he knew that the opinions of medical men varied exceedingly. The best test, undoubtedly, was the test of experience—the experience which had shown how different classes and large bodies of men in the navy and other services had been found to have been kept in full health and strength. He had only to state, in conclusion, that as a full opportunity would occur of discussing the subject, he hoped that noble Lords would not form a premature opinion upon it.

The Earl of *Winchilsea* said, that as he had supported the measure for the amendment of the Poor-laws, he hoped to be permitted to make a very few observations on this incidental conversation. Having attended very closely to the operation of the law since it had come into force, he must say, that he held it to be most decidedly advisable that the regulations of the union workhouses should be wholly under the control of the Boards of Guardians themselves. Those boards must necessarily be more conversant with the wants and the habits of those of their neighbours who by their distresses were compelled to take refuge in these workhouses, and he thought from experience that it would be most advisable to leave the diet and other regulations to those boards without the exercise of any control by the Poor-law Commissioners. He was also of opinion that some decided alteration must take place in the present law with respect to out-door relief. It had been laid down by several boards of guardians that no person should be entitled to relief except he came into the workhouse. He thought the object of the new law was to draw a distinction between the honest and the industrious, and the idle, the dissolute, and the profligate, and to the former class he had understood out-door relief was to be afforded in cases of urgent necessity. During the late severe frost in the winter a great portion of the labouring population in Kent, many of them with large families, were thrown out of employment, and having only their labour to support them, were compelled to seek for parochial relief; and it did seem to him to be a hard case to tell an honest hard-working man, who, without any fault of his own, but owing to the state of the weather, or other causes, had fallen into temporary distress, that he must sell off his goods and come into the workhouse, "because," say the guardians, "we have no power to grant you out-door relief." It was a case of urgent necessity when by a frost such as had not been seen in Kent for the last ten or fifteen years, men were deprived of employment and the means of support for themselves and their families, and such a case should receive temporary relief. He knew it might be answered that such a man could be assisted by a temporary loan, but a man to whom a loan was offered had replied, "It is of no use to grant me a loan, for in the very best employment I can only earn sufficient to pay my way before me, and therefore I never can repay it." Upon these and one or two other points he should, on a fitting occasion, offer his opinion on the law as requiring alteration. With respect to the dietary, he repeated that it ought to be left to the guardians alone, and, in his judgment, they ought also to have power to grant out-door relief in cases of urgent necessity.

The Earl of *Radnor* differed altogether from his noble Friend who had just sat down, both on the subject of out-door relief and of the dietary. As to the out-door relief, he should not occupy any portion of their Lordships' time, because it was a point not brought under consideration by this petition; but with respect to the dietary, he would observe that the prayer of this petition was totally inconsistent with the object of the Poor-law Amendment Act. That object was to produce uniformity throughout the country, and where would be the uniformity if every board of guardians were to be allowed to choose the dietary of their own workhouses? It was worthy of observation, as being somewhat curious, that though the guardians complained of the dietary table, the paupers themselves made no complaint, and if he were not misinformed, the paupers in the workhouse, when asked the question, had, with one exception only, all expressed themselves perfectly satisfied with it. If that was so, then, of what did this board of guardians at Dudley complain? They had not stated any inconvenience or mischief that had arisen from the dietary table; the right rev. Prelate had himself suggested no illness as having arisen from this dietary; but the petitioners in a speculative mood said, that the diet was not sufficient, and applied to Parliament that the dietary of the city of London might be applied to Dudley. There was, however, a great difference between the two cases. In the country, as everybody knew, the paupers were supplied with the best food, supplied by contract under special provisions, while in London the paupers were farmed out, as it was called, and there was not the same security that the best materials were there provided; and again, in matters of weight, in the one case the turn of the scale would be given in favour of the farmer, while on the other hand the turn of the scale with the best materials would be in favour of the paupers. The circumstances of the two cases, therefore, were totally and essentially different. But the right rev. Prelate who had presented this petition had rested his claims for a change upon the circumstance that the labourers in Dudley, when employed, were engaged at very hard work, and that therefore it was necessary to keep up their strength when out of employ, and that for this purpose the dietary tables sent by the Commissioners were insufficient. Now, the best way to arrive at an opinion on that subject would be to compare the food which an able-bodied labourer there got when in employ, and worked upon, with that furnished to him when in the workhouse. On that head he had received some information. He had a calculation of the expense of maintaining, not, certainly, a single able-bodied labourer, but of such a man and his family out of the workhouse. From that calculation it appeared that the family of an agricultural labourer in Berkshire would subsist on 114 ounces of solid food per week, while a similar family in the workhouse at Dudley would get 137 ounces of solid food per week, being an addition of nearly twenty-six ounces. From another statement he had of the allowance for an agricultural labourer, his wife, and six children, out of the house, he found the difference between him and a labouring man and his family in the Dudley workhouse was an increase of allowance in the workhouse of 31lb. 11½oz. of solid food per week. It was true that in the matter of bread in the dietary table at Dudley there was a decrease of 4lb. 7oz.; of bacon a decrease of 7oz.; but in beef there was an increase of 5lb., and of potatoes 24lb. per week; and on the whole the difference was an increase in favour of the persons in the Dudley workhouse of 31lb. 11½ oz. per week. It was not surprising, then, though these guardians complained of the dietary table, that the paupers themselves did not complain. The right rev. Prelate spoke of the dietary table as if the Commissioners had drawn them up, and had adopted the smallest quantity of food that was necessary to keep body and soul together. The manner, however, in which he understood the Poor-law Commissioners had adopted this dietary table was this—they took three or four workhouses which had been subsisting previous to the passing of the Poor-law Amendment Act, where the management had been most correct, and the health of the inmates the most perfect; from those workhouses they selected as many dietary tables, and sent them round to the different unions, leaving it to the guardians of those unions to choose out of those three or four schemes, the one which they most preferred. These dietary tables were not, then, a fanciful project drawn up by the Commissioners to starve the poor, but had been all sanctioned by experience, and more than that, this very Dudley dietary table had been adopted by the Assistant-Commissioner from the dietary of the workhouse of Sedgley, within a short distance from Dudley with an addition of a certain quantity of meat. Under these circumstances it did certainly seem to him that the complaint was utterly groundless. But the right rev. Prelate had observed, that the labour of the population of Dudley was of a peculiar kind, and that it was essential to keep them in health. He certainly had not the means at present of comparing the diet of a man in the workhouse with the diet of a man employed in full labour at Dudley, but he was prepared with a comparison between the diet a man received in the Dudley workhouse and that of certain persons who had been the subjects of severe trials of uncommon labour, and who had undergone sufferings of no ordinary kind. He alluded to Captain Parry and his crew when at the North Pole. They received and consumed a less amount of solid food each man by twenty-three ounces, besides four pounds of potatoes, than these paupers were receiving and consuming in the Dudley workhouse; nay, according to the dietary table there, the female paupers each received twenty per cent. more solid food than had been sufficient for Captain Parry and his men on the expedition to the North Pole. On the whole he submitted that this complaint against the dietary tables at Dudley was wholly and entirely groundless.

The Marquess of *Salisbury* said, that in all his communications with the Poor-law Commissioners he had found a perfect readiness on the part of those gentlemen to attend to any representations, and he had ever found them ready, when a satisfactory case for a relaxation of their rules was presented to them, to concur in that relaxation. He had had numerous communications with the Commissioners, and had always found in them the greatest disposition to soften all those asperities which were incident to a new system of law. In consequence of a statement made by a noble friend on a former evening, he had informed himself as to whether any applications had been made to the Commissioners for a relaxation of their rules with reference to out-door relief, and he had ascertained that from the county of Kent seven such applications had been made to the Poor-law Commissioners in consequence of the distress which the continuance of the late extraordinary weather had created, and that in every one of those seven instances the relaxation had been granted. Under such circumstances he thought it would be better to leave the power of relaxation in the hands of the Board of Commissioners, who were responsible to the public, than to place the control in the hands of the guardians, and he believed he was borne out in that opinion by the sentiments which pervaded the boards of guardians generally throughout the kingdom—namely, that they would rather fall back upon the Commissioners than have the responsibility of disturbing the whole system placed in their hands.

The Earl of *Winchilsea*, notwithstanding what had fallen from the noble Marquess, was still of opinion that the guardians should have power to grant relief in such cases of urgent necessity as he had alluded to, without having to come to the board of Commissioners in London to be enabled to do so.

The Marquess of *Salisbury* thought, the boards of guardians would be grossly negligent in their duties if in cases of urgent necessity they did not take upon themselves to relieve paupers suffering under such circumstances, and to apply afterwards to the Commissioners for their sanction to such a relaxation of their rules.

Earl *Stanhope*, on the present occasion, would confine his remarks to one or two of the points urged in the petition presented by the right rev. Prelate. But first he would allude to what had fallen from a noble Lord a few evenings back with reference to the discussions on this question in the country. Did his noble Friend mean to say that no appeal should be made on behalf of the oppressed and injured people of England—not to rouse them to resistance of the law, or to acts of violence and outrage, but did the noble Lord think that in speaking of the system of flagrant injustice, of the most intolerable oppression which ever yet afflicted any country on the face of the earth, the very mention of which would make their ancestors turn with horror and indignation in their graves, the sentiments and language ought not to be commensurate with the extent of the evils which that system had generated? The noble and learned Lord, who he regretted had now left the House, had said that the powers conferred by the Poor-law Amendment Act upon the three Commissioners did not vary from the powers existing in other bodies under the former law. Now, it would be very inconvenient to anticipate the motion which he proposed to submit on Thursday next, or to enter then into the powers vested in the three Commissioners—the three despots established at Somerset-house under an Act of Parliament. He wished to confine the discussion on Thursday simply to the operation of this bill, and to make the legality of those persons form the subject of a separate motion as soon as possible after the Easter recess; but he defied the noble and learned Lord to state any other instance in the history of the country in which any man, or body of men were empowered by law to frame rules, orders, and regulations, having the force and effect of an Act of Parliament. The Commissioners were not responsible to the Parliament or the Government; their rules had never been brought under the sanction of the Government or Parliament, they having acted in such a way as to evade the necessity of bringing their rules under the inspection of Parliament. The Act stated that any rules applied to more than one union were to be general, and to be submitted by the Secretary of State to Parliament for its approbation; but they had not made their rules in such a manner as to bring them within the Act. Notwithstanding the eulogistic manner in which the noble Earl had spoken of the diet of the union workhouses, which were, in fact, so many prisons, and prisons of the worst description, he must repeat that the diet was inferior in all respects to that of any common gaol in the kingdom. The noble Earl opposite seemed to know nothing — [*a laugh*]—he should be allowed, he hoped, to finish the sentence—the noble Earl seemed to know nothing of that monstrous instance of cruelty and oppression which had been developed in the Bridgewater Union. He did not think the noble Earl had made himself acquainted with the case as developed by that mass of evidence produced by Mr. John Bowen. [The Earl of *Radnor :* I know something about it.] By that evidence it was proved to the satisfaction of any reasonable and impartial man that the inmates of that workhouse had perished of disease brought on by being drenched with water gruel. Those poor persons, who had been made the victims of a cruel system, had committed no offence, but they were guilty of poverty, and therefore they were put on a water gruel diet which killed them. The noble Earl had talked about the practical working of this measure, and then he quoted in a triumphant manner the case of Captain Parry and his crew at the North Pole. That was an extreme case indeed. Captain Parry knew that he had a limited stock of provisions, and therefore, that unless he diminished the allowance to his crew in time, having no prospect of an increase, and not knowing when a fresh supply might be obtained, they were likely to be reduced to all the horrors of actual starvation. As to the notion of the noble Earl that these complaints were unfounded, because the paupers themselves had not complained, he should like to know what channel for complaint was open to them ? He wished to know whether they were not under that state of oppression and coercion that they would be punished for being disorderly and insubordinate if they complained ? If the paupers were not afraid of being punished, he was sure that innumerable complaints would have been heard by this time. He had conversed with some of the unfortunate inmates of union workhouses, and they had told him—to use their own words— they were "near being starved to death." It was mentioned by him incidentally, but it was not a minor point, that the strength of the labourers was much reduced by the diet in the union workhouses. That was an important fact, considering the labourers themselves and the public at large. But there was something still worse, that these poor people should be treated recklessly by those who were called guardians, but who were, in fact, mere tools and instruments in the hands of the three Commissioners in London, having no power voluntarily to redress their wrongs or to mitigate their sufferings. He was in no way prepared for this discussion, not having been apprised of the intention of the right rev. Prelate, otherwise he should have brought evidence to prove to the noble Earl that he was quite mistaken as to what he had stated with regard to the dietary table. What the noble Earl had stated, however, did not prove that the pauper in the workhouse was too well fed, but that the labourer out of the workhouse was too ill fed. The observations of the noble Earl were well-answered, too, by the declarations of the Commissioners themselves, who said, that the pauper in the workhouse should not be better fed than the labourer out of it.

The Duke of *Richmond* would not have risen on the present occasion if the noble Earl who had just sat down had not stated that paupers in workhouses were not permitted to make complaints to the guardians. [Earl *Stanhope :* Such is the case generally speaking.] Did the noble Earl know where that was the case ? Had he, since the House last met, visited any union workhouse and inquired if any person had ever been punished for making any complaint ? He conceived that his noble Friend cast a gross libel, if he would permit him to use that word, but not offensively to him, upon the guardians, when he said that they did anything so unconstitutional and so illegal. Did he know who the guardians were ? — that they were persons elected by a majority of their fellow parishioners, in many instances from the middle classes of the people of this country ? Did he, then, wish to charge them with punishing a man for making a complaint ? He (the Duke of Richmond) had visited several workhouses, and was in the habit, when in the country, of visiting one workhouse in an union where he was a guardian, twice a-week, and he always asked every individual whether he had any complaint to make. Did his noble Friend mean to say that a man would be punished for making a complaint after this? If the guardians wished to punish him, how could they do it? They had not the power to do it. When a complaint was made, the whole board listened to it, and investigated it. His noble Friend, he believed, did not wish to exaggerate; for his noble Friend thought he had a very good case, though that was not his opinion. Let his noble Friend, then, put his case without straining it further than justice and propriety would warrant. He would ask the noble Earl and those persons with whom he was now connected, who were paid to go about the country to distribute handbills calling on the labourers and the people generally not o obey this law—he would ask those numerous travelling agents, whether they knew any instance of a man being punished for making a complaint to a board of guardians? As there would be a sufficient opportunity hereafter to discuss other points which had been touched upon, he would pass on to remark, that he was certainly of opinion that the workhouse relief ought not to be better than the sustenance and living which men could get by their labour out of the workhouse; and he thought it would be much better if wages could be raised to an amount which would enable the labourer to live and bring up his family in a better way than in some cases it was possible at present. But he did not know what Legislative enactments could be passed to produce that effect. He supposed his noble Friend was not prepared to propose a new rate of wages; he supposed that was a matter which he would leave to the employers of the labourers. He knew that in many parts of the country wages had got up as much as could be expected, and as much as they would get up. [Earl *Stanhope.*—They are lower.] His noble Friend might say they were lower, but he was quite certain that his noble Friend would have much difficulty in proving that in some instances. When, however, the noble Earl brought the whole case before the House, that would be the time to discuss it at length. He only hoped the noble Earl would not overstate the question so much as to say that paupers dare not make a complaint. That was a proof that his noble Friend had never acted as a guardian, because every one who had filled that office knew that paupers did bring complaints under their consideration.

Earl *Stanhope* had not attended the meetings of guardians. Heaven forbid that he should! He would not by his presence recognise the illegal and unconstitutional power of the Poor-law Commissioners. He would be no party to their proceedings. As to what the noble Duke had said with regard to complaints, he begged to inform him that one of the most respectable and humane guardians of that union in which he (Earl Stanhope) resided, was so disgusted with the conduct of the other guardians, and with the cruelty and inhumanity of the law, that he refused any longer to act. He would on a future occasion furnish the noble Duke and the House with more facts, but he would just mention the case of a family who from the refusal of any relief in addition to the scanty earnings of a labouring man were now perishing by disease, produced, as an eminent physician well known to the noble Lord had assured him, by cold and hunger. Such facts must speak trumpet-tongued to the people of this country. With respect to what the noble Duke had said about his being in correspondence with persons who were calling on the people to resist the Poor-law Amendment Act, he would say that he had the happiness and honour to be in frequent and almost daily communication with a great number of persons who were engaged zealously and patriotically in resisting or opposing, but by legal and constitutional means, that most diabolical statute; but he denied, and he believed it could not have taken place without coming to his knowledge, that any handbills had been carried about calling on the people, or any portion of the people, of this country, to a violent and forcible resistance to the law. No man felt, or could feel, a greater detestation of that law than he did, but he had often solemnly conjured the people of this country, in letters, in publications, and in speeches, to persevere as long as they could in a legal and constitutional mode of proceeding to procure the alteration of this illegal and unconstitutional measure.

The Bishop of *Exeter* wished to make a few observations, and he would strictly confine them to what had fallen from the noble Earl (the Earl of Radnor) who had thought fit to say, what he believed no other person in that House would say—that the complaint on the part of the petitioners was groundless. What the noble Earl had said with regard to him was a matter of perfect indifference; but he was bound to say for the guardians from whom the petition came, that if ever there was a case which less than another deserved such a censure, it was that which they had brought forward. They stated that the diet table which they had put aside for the adoption of the London table was not sufficient for the due sustenance of the very laborious persons for whom it was intended. He would call to the recollection of their Lordships one point, that those persons, who were exposed to the heat of forges, and who underwent labour and fatigue of necessity much greater than any endured by agricultural labourers, were to be allowed by that diet table for half the week 1¼lb. of bread, less than a quarter of a pound of cheese, and one pint and a half of gruel per day. Would the noble Earl, or any human being, say in the face of that statement, that those honourable men, the guardians of the Dudley Union, had made a groundless and frivolous complaint, because they thought that such a dietary was unequal to the proper sustenance of the poor committed to their charge? What! was that the scale of living to be laid down for those persons, and were they then to be told by the noble Earl, who was revelling in wealth, well employed, he sincerely believed—who enjoyed great riches, dispensed to those about him, he sincerely believed, with much kindness and liberality, and who was possessed of one of those noble fortunes which had descended from one of the ancient aristocracy of England—were they to be told by such a man, forsooth, that this was a groundless complaint? Were they to be told, that labouring men, who were accustomed to earn their bread by the sweat of their brow, in more than the ordinary sense, working and toiling as they did, before heat issuing from iron furnaces, a task which none of their Lordships, not even the strongest of them, would be able to endure for a single hour, ought only to have such a sustenance given to them as would neither support them when in health, nor preserve their health until the season of employment returned, and that to complain that no better sustenance was afforded to them was a groundless complaint? Was it to be said that less than a quarter of a pound of cheese per day was sufficient to keep up the strength of labouring men such as he had described? The noble Earl had endeavoured to show that the complaint was groundless, because the guardians had taken the means of redress into their own hands, and adopted the diet table permitted to be used in the city of London. The noble Earl had also referred to the dietary in the neighbouring workhouse of Sedgley, but that place was occupied, he believed, only by the aged and the infirm; and in that case he could well understand that a spare diet might have been sufficient. But he ventured to say, that it was impossible in the other case that human existence could be sustained in a robust and healthy condition by such a diet, and he appealed to common sense, whether the petitioners who condemned the diet table were wrong or not; and he asked, whether it were not a dietary inconsistent with the health and strength which, in the present case, ought to be kept up? The petition had been put into his hands because he was rather peculiarly connected with the district whence the petition came, having the honour to be a trustee of the greatest property in that neighbourhood, on which the greatest number of workmen were employed; and he was proud to have the confidence of the petitioners, who had called upon him to bring this complaint forward. The labour of the coal miners was not greater than that performed by the people spoken of in the petition. Any noble Lord who was acquainted with Durham must know that nothing could enable the men to go through their labour in the coal mines, except the very generous diet upon which they lived, feeding as they did, and were obliged to feed, upon the very best meat and food that the markets could procure.

The Earl of *Radnor* admitted, that the men in question might require a generous diet while at work, but he submitted to any man of common sense whether when they were not at work such a diet would be necessary, and whether it were not likely to produce illness, and fevers, and totally to disqualify them from labour.

Petition laid on the table.

HOUSE OF COMMONS,

Monday, March 12, 1838.

MINUTES.] Bills. Read a first time:—Prison Discipline (Scotland); Bankrupts' Estates (Scotland); and Bankruptcy (Scotland).—Read a second time:—Dissenters Declaration.

FISHGUARD HARBOUR.] Mr. *Poulett*

Thomson moved the second reading of the Fishguard Harbour Bill. As it was quite a new proceeding for a person in his situation to bring in a private Bill at the expense of the Government, he would state the grounds on which he, acting on behalf of the trade of the country, and on behalf of the Government, had introduced this measure. With the circumstances relating to Fishguard Harbour the House was already acquainted. A Bill for the improvement of the harbour of Fishguard had passed the Legislature last Session. Late in the autumn his attention had been called to its provisions by the shipowners of the country, and certainly a more extraordinary Bill he had never read. There was a clause in the Bill by which the limits of the harbour were pointed out, and those limits were described to be certain points on the coast of Wales on the one hand, and the Irish coast, extending to the port of Wexford on the other. By one of the schedules annexed to the Act it was provided that every foreign vessel passing within those limits should pay a toll of 3*d.* per ton, and every British vessel 2*d.*; so that it was clear, that every vessel passing up the Irish Channel would be subject to this tax. There was another schedule to the Act, which subjected all goods, of whatever description, landed within the limits of the harbour, to the payment of a certain harbour duty; and he was informed that under the operation of this part of the Act all goods which were landed on any part of the Welsh coast, or on any part of the Irish coast within the limits assigned to the harbour by the Act, even within the port of Wexford itself, would have to pay a duty. He must remark, that no blame could attach to the Government for permitting such a Bill as this to pass, as Government had no opportunity of examining all the details of private Bills. In justice, however, to the promoters of that measure, he must repeat their statement, that early in the Session a copy of the Bill was forwarded to the Admiralty, another to the Custom-house, and another to the Trinity-house. They stated also that the Admiralty had made an amendment in one of the clauses, and the Trinity-house two amendments in the Bill. But he would observe that the Admiralty made amendments in bills solely with a reference to their own jurisdiction, the Trinity-house solely with reference to lights, and the Custom-house to the question of duties. No copy of the Bill had, however, been sent to the department over which he presided, although that department was most affected by its operation, and although, if the attention of that department had been particularly called to the Bill, it would at once have taken it into consideration. But even if a copy of the Bill had been sent to his department, it would not alter the case, and he was surprised that the parties, knowing as they must have known the objections entertained by the House against a passing-toll—knowing also that he had declared that the Government would never sanction such a charge—he was surprised, he repeated, that the Gentlemen who had the conduct of the Bill had not thought it right to call his attention or the attention of the Government to it. He considered their conduct the more strange, as two of the directors of the company were Members of Parliament. He owned, therefore, that he did not think that the case was one in which the House was called upon to exercise any peculiar forbearance, and he had, in consequence, brought in the present Bill to repeal the clause relating to these tolls simply and entirely. If the parties chose to prosecute their Bill, and make it appear to a Committee that they ought to have a right to levy some toll, let them do so, but he thought that in the meanwhile it was only right to save the trade of the country from the heaven burden to which it would be subjected if the clause to which he objected were allowed to remain law. One word as to the allegation that the company having incurred a great expenditure, ought to be protected. The Bill received the Royal assent on the 15th of July last, and on the 7th of September following an advertisement appeared, stating that the arrangements of the company under the Act of Parliament were now completed, and calling on the shareholders for the first instalment of 1*l.* per share. This warranted him in saying that the company could not have incurred any great expense. Upon the grounds he had stated, therefore, he now moved the second reading of the Fishguard Harbour Bill.

Sir *R. Philipps* considered that it would not be fair to the parties who had embarked their capital in this undertaking to repeal this clause, and he therefore moved that the Bill be read that day six months.

Sir *J. Owen*, in seconding the amendment, observed, that it would be a most extraordinary course to pass an Act one Session and repeal it the next. A considerable sum of money, notwithstanding what the right hon. Gentleman had said, had been invested by the Company on the faith of this Act of Parliament, and it would be most unjust to take away their property by means of the Bill which the right hon. Gentleman had now introduced. The right hon. Gentleman seemed to think, that parties interested in private bills were bound to submit a copy to the consideration of his department. He, on the contrary, would say, that right hon. Gentlemen who held office, and as he presumed received compensation for their labours in the public service ought to look into those Bills themselves. In former times and under former Governments, a law officer of the Crown, who was called the Attorney-General's devil, inspected all Bills that passed through the House. [Mr. *P. Thomson:* All public Bills—not private Bills.] Well, but surely this had the effect of a public Bill, and therefore ought to have been examined by the Government. He would ask the House, admitting that a toll was levied, whether there were no advantages gained in return? Was not this a great harbour of refuge, and ought not the shipping of the country to pay for protection afforded to them at a great outlay? He need not press this point further, and he should only say, that he cordially supported the amendment.

Sir *J. Graham* said, that if the Bill which passed last Session were now under discussion, he should be as much opposed to a passing-toll as any Member in the House. He thought, however, that the course which had been taken was somewhat unprecedented. For the first time in his life he found himself opposed to a Cabinet Minister, backed by the whole weight and influence of the Government, fighting on a private Bill. The Bill which received the sanction of the Legislature last Session was one which passed through all the ordinary forms by which their proceedings were guarded, and yet, after creating a corporate body, and endowing them with all the rights and privileges of a corporation, the House was now called upon to rescind the contract to which they had set their seal, and to revoke the authority which had been delegated to them by Parliament. Every proper notice had been given by the parties to the public departments, and, independent of the alterations made by the Admiralty and the Trinity House, it was evident that the Treasury had made an admendment in the Bill, as there was a clause by which a power was given to the Commissioners of the Treasury to reduce the passing-toll with reference to foreign ships, and an agent of the Commissioners was authorised to see that the work was properly executed. He was informed also that the Bill was sent also to the Board of Trade, and that a copy of the Bill was now in that House, with annotations marked upon it which had been made by the Board of Trade. The Bill was sent up to the other House in the month of May; and having been carefully examined there, it received several amendments, which rendered it necessary that it should be brought down to the House of Commons again. It was accordingly brought down in July. The Bill, he would observe, had, during the course of last Session, received the sanction and support of the Irish Members of that House, Fishguard being only at a distance of forty-five miles from the Irish coast, and in the preamble of the Bill it was declared to be a "harbour of great importance, and well adapted for a harbour of refuge." The importance of the undertaking being thus established, he called on the House to consider the gross injustice of this procedure. The directors had a local interest in the progress of the work—an interest much greater than the amount of their instalments; and a majority of these directors were empowered by law to compel all the remaining subscribers to pay up the amount of their subscriptions, the generality of those subscribers being, he would observe, the great capitalists of London. And, although this compulsory power on the part of the directors remain untouched, the House was proceeding, by Act of Parliament, to withdraw from the subscribers all possible chance of remuneration. A more gross act of injustice he had never heard of. He was authorised to state, on the part of a number of subscribers, that if the Bill were withdrawn for the present, they were quite ready to enter into an amicable consideration of this question—to modify, if so required, to the utmost extent that was reasonable, the Bill of last Session, to retrench from it all that was extravagant in its provisions, and subject the whole matter to a sufficient control on the part of Government. The only thing which the subscribers desired was, that they might be secured a fair and moderate amount of remuneration for the amount of capital employed by them in this undertaking. For his part, he would say, that he had never heard of anything more unjust than the absolute and unconditional repeal of the passing-toll clause, by which the subscribers would be deprived of all chance of remuneration.

Mr. Alderman *Thompson* hoped the House would not adopt the recommendation of the right hon. Baronet. He had said that great injustice would be done to those capitalists who had embarked their money in this undertaking. In looking into the Bill he found that a second call could not be made in less than six months after the preceding one; consequently, had all the company obeyed the call, but 1*l*. per share could have been subscribed, and the probability was, after the notice given by the President of the Board of Trade, that the powers given to this corporation by the Act of last Session were inexpedient and unjust, that these parties would not have proceeded to expend the money already paid. The Bill had passed the House through inadvertence; because, after two Bills of a similar nature relating to Scarborough and Bridlington had been rejected, could it be supposed that if the attention of the House had been directed to this Bill it would have been passed? It had been stated by the hon. Member for Carnarvon that Fishguard was a harbour. That he denied, for it was only a roadstead; and if the House permitted this Bill to remain on the statute-book it would form a precedent for every insignificant fishing town in the principality of Wales establishing a harbour, and on this principle, that the parties should not be accountable as to the mode in which the monies collected should be expended. There was no provision for the reduction of tolls. The question for the consideration of the House was whether the parties had made out a case to justify the House in allowing them to tax every ship passing up St. George's Channel, and to declare that the port of Wexford formed part and parcel of Fishguard harbour He admitted that the precedent might be inconvenient, but it was quite impossible for them to allow such an Act to remain on the statute book. As an individual representing a large shipping community he felt himself much indebted to the right hon. Gentleman for coming forward with the present measure.

Sir *G. Strickland* observed, that the principle was against passing-tolls, and therefore, he would support the Bill. He contended that the right hon. Gentleman was fully justified in bringing it forward, as the Bill was not a private one, but one of a public nature, which materially affected the interests of a large class of her Majesty's subjects.

Mr. *H. Hinde* observed, that the only argument of the right hon. Baronet (the Member for Pembroke) against the Bill was, that it was unprecedented. Now he (Mr. Hinde) would instance the case of the Glasgow Lottery Bill, by which extravagant powers were conferred upon a company, and which was subsequently repealed. That would show, that the present course was not without precedent.

Mr. *A. Chapman* considered the Act that had passed during the last session so atrocious that the House ought not to hesitate a moment to pass the right hon. Gentleman's Bill for the repeal of the passing-toll clause.

Mr. *O'Connell* could assure the right hon. Baronet opposite that he had been misled with respect to the statement made at a meeting of Irish Members relative to the Bill. There had been a meeting with respect to a railroad to join the harbour, at which there had been mention made of the harbour, but if they had known that tolls were to be inflicted upon ships they would have risen in a moment, and thrown overboard railroad, harbour, and all.

Viscount *Sandon* would give the Bill his warmest support. It was impossible that Parliament knowingly could give its sanction to a Bill imposing such a heavy tax upon the shipping interests without there being the slightest prospect of any benefit to be derived by that interest from the harbour in question. He thought, however, that a Committee should be appointed to inquire into the amount of money which had been expended upon the faith of the clause in question, in order to that being repaid out of the public funds.

Sir *F. Trench* cordially supported the Bill. He considered the former Bill, which this was intended to repeal, as one of the most unjust and extravagant jobs which had ever come before the House, and he took blame to himself for not being aware of the unjust provisions of the Bill when it was before the House, and called hon. Members' attention to it.

Lord *G. Somerset* wished to know from the right hon. Gentleman something more of the real merits of the case. He should like to know whether the Government would give its sanction to a case of compensation to those parties being brought before the House, because they had advanced sums of money on the faith of that Act of Parliament being passed? Upon the answer which he might receive would depend his vote, because he thought justice ought to be done to those parties.

Mr. *P. Thomson* did not think, that the parties to the Bill had done their duty when they neglected to send a copy of the Bill to the Board of Trade. He was willing, however, to admit, that there appeared to be some degree of hardship in the case, and if there was any question of compensation, that might be discussed in the Committee, but he thought it would be very difficult to make out a case which would warrant the House to grant money.

The House divided on the original Motion—Ayes 181: Noes 20; Majority 161.

List of the AYES.

Aglionby, Major
Alsager, Captain
Anson, hon. Colonel
Archbold, R.
Bagge, W.
Baines, E.
Ball, N.
Bannerman, A.
Baring, hon. F.
Barnard, E. G.
Barry, G. S.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Bewes, T.
Blackburne, I.
Blennerhassett, A.
Blunt, Sir C.
Bradshaw, J.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Burr, H.
Burroughes, H. N.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Castlereagh, Visct.
Cayley, E. S.
Chapman, A.
Clay, W.
Collins, W.
Colquhoun, J. C.
Courtenay, P.
Crawford, W.
Dalmeny, Lord
Denistoun, W. J.
Divett, E.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Dunbar, G.
Duncombe, T.
Duncombe, hon. A.
Dundas, C. W. D.
Ebrington, Viscount
Ellice, E.
Euston, Earl of
Evans, G.
Evans, W.
Fazakerley, J. N.
Fielden, J.
Fellowes, E.
Fergusson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Filmer, Sir E.
Finch, F.
Fitzalan, Lord
Fleetwood, P. H.
Fort, J.
French, F.
Freshfield, J. W.
Gordon, R.
Gore, O. W.
Greene, T.
Grey, Sir C. E.
Grimsditch, T.
Halford, H.
Hastie, A.
Hayes, Sir E.
Hilsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, F.
Holmes, hon. W. A. C.
Horsman, E.
Houldsworth, T.
Howick, Viscount
Hughes, W. B.
Hume, J.
Irton, S.
Irving, J.
James, W.
James, Sir W. C.
Jones, T.
Kinnaird, hon. A. F.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Lushington, C.
Lynch, A. H.
Mackenzie, W. F.
Mackinnon, W. A.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Murray, rt. hon. J. A.
Nicholl, J.
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Palmer, G.
Parker, J.
Parker, R. T.
Parrott, J.
Patten, J. W.
Pease, J.
Philpotts, I.
Pigot, R.
Planta, right hon. J.
Price, Sir R.
Price, R.
Redington, T. N.
Rice, rt. hon. T. S.
Rich, H.
Roche, E. B.
Rolleston, L.
Salwey, Colonel
Sandon, Viscount
Sanford, E. A.
Scholefield, J.
Seale, Colonel
Seymour, Lord
Sharpe, General
Slaney, R. A.
Smith, hon. R.
Smyth, Sir. G. H.
Somerset, Lord G.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, E. J.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Stuart, R.
Stewart, J.
Strickland, Sir G.
Sturt, H. C.
Style, Sir C.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Trench, Sir F.
Wakley, T.
Wallace, R.
Wemyss, J. E.
White, A.
White, S.
Whitmore, T. C.
Wilberforce, W.
Wilbraham, G.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Wrightson, W. B.
Yates, J. A.

TELLERS.
Thompson, Alderman
Troubridge, Sir E. T.

List of the NOES.

Calcraft, J. H.
Chandos, Marquess
Darby, G.
Dowdeswell, W.
Fitzroy, hon. H.
Forbes, W.
Graham, rt. hn. Sir J.
Holmes, W.
Knatchbull, hn. Sir E.
Litton, E.
Mackenzie, T.
Mahon, Vicount

Maxwell, H.	Trevor, hon. G. R.
Pakington, J. S.	Williams, W.
Powell, Colonel	
Round, C. G.	TELLERS.
Round, J.	Jones, J.
Rushbrooke, Colonel	Philips, Sir R.

EDINBURGH POST-OFFICE — MR. PRIMROSE.] Lord John Russell moved the Order of the Day for the House to resolve itself into a Committee of Supply.

Mr. *Hume*, in bringing forward the motion of which he had given notice relative to the appointment of Mr. Primrose as an amendment to the motion of the noble Lord, said, it appeared that a portion of the revenues of the Post-Office were applied to the payment of its officers, and that the House knew nothing of the appointments and salaries of these persons. The House would be surprised to hear that there was deducted from the revenue not less than 7,000,000*l.* a-year, of which no account was rendered to the House, and which, in fact, never was paid into the Exchequer. He need scarcely observe, that as well with respect to the Post-Office as to other departments of the public service, it was most important that all persons engaged in them should entertain a well-founded expectation of rising according to merit and seniority—that all public officers should be secured the advantages naturally and regularly arising from promotion within that establishment, as an encouragement to attention, and a recompense for faithful services. From the returns that morning placed in the hands of Members, it appeared that the appointment of Mr. Primrose took place under the authority of the Postmaster-General. Now, he conceived, that this course was exceedingly objectionable, and a gross violation of the regulations instituted by the Postmaster-General for the management of that establishment. According to the return to which he had just been calling the attention of the House, it appeared that the first clerk in the Edinburgh Post-office had been twenty-six years in the public service, and the second clerk had been fifteen years and a half—the third clerk had a salary of only 70*l.* a-year. Mr. Primrose had been appointed to the office of cashier, with a salary of 400*l.* a-year, without his having ever served a year in the establishment. He found that his clerk, Mr. George Young, who had served seven years, had only 120*l.* per annum; and Mr. Mason, the accountant, after thirty years' service, had only 200*l.* per annum. Certain regulations had been adopted by the Government in 1831 for the improvement of this department, and the report on the subject was signed by his Grace the Duke of Richmond, then Postmaster-General. That report established what was thought to be a fixed scale of promotion as to the officers of the establishment. But it stated, that the principal feature in the new establishment was the appointment of an office for the receipt of the public money, which had become necessary in consequence of the abolition of the office of Deputy Postmaster-General, who was also cashier; the salary was to be 400*l.* a-year, and he was to be allowed an assistant, with a salary sufficient to secure the services of a respectable person. It was due to his Grace the Duke of Richmond to say, that he steadily adhered to the regulations which he had laid down. In another part of his evidence, taken on the first of March, the noble Duke stated, that he had made arrangements by which the office of deputy in the country, when it became vacant, should not be filled out of the office; but that those persons only should be appointed to it who had been a long time in the department, or who were entitled to compensation. The object of this arrangement was to insure, not only economy in the public expenditure, but increased efficiency in the department. The noble Duke stated in his evidence, and no doubt very truly, that he had frequently refused friends and relatives of his own, who made application to him for situations as they became vacant in the Post-office, always strictly adhering to the rule which he had laid down, that no one should be introduced to the service of the Post-Office, otherwise than in the junior departments. On these grounds, then, he did not scruple to arraign the conduct of the present Postmaster-General, in reference to the appointment of Mr. Primrose, as a gross violation of the rules laid down for his guidance by his predecessor. With respect to the office of accountant-general, it appeared that the person who held that office, Mr. Young, had been compelled to retire from ill health, and that his nephew, Mr. G. Young, had performed the entire duty of the office for three years. He contended, that to appoint a person like Mr. Primrose, who had never been in the

Post-office, or in fact in any public office, over the head of the individual who had acted as deputy for such a length of time, was a violation of the regulations of the Post-office, and rendered the situation of clerk uncertain as to promotion, which, according to the Duke of Richmond's regulations, would have gone according to seniority. He objected to the conduct of Lord Lichfield, because it was extremely improper in him to appoint so near a relative, and the second son of an Earl, to so paltry a situation, where he superseded so many clerks, who had for many years served their country with honour and fidelity. He objected likewise to the appointment, because in no previous instance had a stranger been appointed to the office of cashier. The Duke of Richmond, when he recommended, that the salary should be fixed at a high amount, did by no means intend that it should form a source of patronage for the benefit of the junior members of noble families, but that it should be looked up to by the humble officer, as a reward for long and laborious services. There were no less than seven or eight meritorious public servants in the department, any one of whom it would have been but justice to have appointed to this office, in preference to Mr. Primrose. Upon the grounds he had stated, on the evidence of the Duke of Richmond, and the circumstances connected with the Edinburgh Post-office, he called upon the House to affirm the resolution with which he should conclude—" That the appointment of the hon. Mr. Primrose to the office of Cashier and Receiver-General of the Post-Office Revenues in Scotland, being a person not previously employed in the Post-Office department, is contrary to the regulations of the Post-Office, as established by the Duke of Richmond, the Postmaster-General, in 1831, injurious to the public service, and prejudicial to the interests of the established clerks and officers in the Post-Office department."

The *Chancellor of the Exchequer* rejoiced, that this matter had at length been brought forward, and in such a manner, by the hon. Gentleman who had borne such favourable testimony to the admirable administration of the Post-Office under his noble Friend, the Duke of Richmond. The hon. Gentleman was entirely under a misconception with respect to the main facts on which he rested his argument. It was admitted the office to which Mr. Primrose had been appointed was no sinecure. Security was required to the extent of 5,000*l.*, and the cashier was obliged to be in attendance from ten o'clock until three or four. The office was created under a letter written by the Duke of Richmond to the Treasury in 1831, on the abolition of another office—the Deputy Postmaster-General of Scotland—almost a sinecure of 800*l.* a-year. The office of cashier could not be dispensed with; it was then made efficient for the public service. There was the authority of the Duke of Richmond, therefore, both for the creation of the office itself and for the amount of salary paid. The hon. Gentleman had raised no objection to the appointment of Mr. Primrose on the score of propriety or competency, but rested his case solely on the Duke of Richmond's regulation, which had been violated, and on the prejudice which he thought would result to the interests of the established clerks and officers in the Post-office. But no direct regulation had ever been entered into by the Duke of Richmond on this subject: his intentions, however, were to be collected from the evidence which the hon. Gentleman had read, and more especially from the acts of the noble Duke himself. But the evidence cited by the hon. Member was wholly inapplicable to the present case; indeed, the conduct of the noble Duke in an analogous appointment distinctly showed, that evidence would not bear out the argument of his hon. Friend. While the Duke of Richmond was at the Post-office there were several vacancies in the offices to which the evidence referred, and to which deserving clerks were to be appointed. The offices of Bath, Bristol, Norwich, Warrington, and Nottingham, were filled up in that way. Even in the town of Brighton, when a vacancy had occurred, and when it might have been expected he would have followed another line, so far from making an appointment in favour of his own friends, the noble Duke appointed on the principle laid down in his evidence. No man ever showed more self-denial in the exercise of his patronage than the Duke of Richmond; his sole object, in all cases, was to select individuals from the department who were most deserving of reward and best calculated for the duty. But that rule did not apply to this appointment; and he would show by the Duke of Richmond's own conduct in an analogous case that the rule was not intended to apply. There were three situations in the United Kingdom —in England the Receiver-General; in Ireland the Receiver-General; and in Scotland the Cashier; the holders of which were to act as a check on the department. In 1831 a vacancy occurred in the office of Receiver-General in Ireland, and if the principle contained in the evidence of the noble Duke had applied to such a case, it must have been filled up by the clerk next in seniority. But it was not filled up from the department, because it was necessary to have a check officer; and upon the suggestion of Lord Althorp, then Chancellor of the Exchequer, and at the recommendation of the Irish Government of Lord Anglesey, Mr. Worthington, a complete stranger to the office, was appointed. Such was the construction which the noble Duke himself had put upon his evidence —strictly adhering to his regulation in all cases to which it was applicable, but departing from it where check officers were to be appointed. In like manner, when the office of Receiver-General in England had become vacant, it was not filled up by promotion from the Post-office, but by the appointment of a Mr. Young, wholly unconnected with the Post-office. In the present instance Lord Lichfield, finding the office had been declined by Mr. Mason, the next in succession, had appointed Mr. Primrose. Of the other officers in the establishment one had been so long in the public office that he was applying for a superannuation, and another received 500*l.* a-year, to whom, therefore, it would have been preposterous to have offered such an appointment. It was not in all cases that the Government attended to the principle of promotion; sometimes it was obliged to adopt the principle of selection. He showed that this had been the case by the selection of Colonel Stuart in the War-office, of Mr. Backhouse in the Foreign-office, of Mr. Stephen in the Colonial-offices, and of other gentlemen in the Treasury and in the Excise. In all these departments, the officers, who had to exercise a check over the accounts, were not taken from the ordinary clerks belonging to the offices, but were selected from persons unconnected with them, distinguished for their talent, integrity, and high character. The present arrangement was not only economical, but also the most convenient for the public service, and that it was therefore impossible he thought for the House to take the step recommended by the hon. Member for Kilkenny. He likewise hoped that he had satisfied the hon. Member that his noble Friend, Lord Lichfield, had not grasped, as he was pleased to call it, at this piece of patronage. With respect to different systems of conveying remittances, all he could say was, that the subject had undergone inquiry, and the result was, that Lord Lichfield found any alteration would cost more than the present system, and, besides that, no other plan would be so convenient or practicable. On the whole, he trusted that the House would go with him in thinking that there were some offices of which the possession should not be obtained by seniority; for if all offices were to be so obtained, the Crown would be deprived of the opportunity of disposing of its patronage for the public advantage.

Mr. *Wallace* dissented from almost all that had fallen from the right hon. Gentleman, the Chancellor of the Exchequer, and could not assent to much of what his hon. Friend, the Member for Kilkenny, had stated. He must say, he thought the office in question had not been properly bestowed. At the time the Duke of Richmond gave the evidence alluded to, he had but recently entered office, and, therefore, could not have a sufficient knowledge of the business of the department over which he presided. He, therefore, laid very little stress on the testimony which the noble Duke gave. It could not be denied that the office of Postmaster-General was a job, and for his own part he did not hesitate to say, that this appointment of cashier was a still greater job. If such an office ought to exist, were there not plenty of men in the department not only fully equal to the performance of the duty, but as well deserving of the situation as Mr. Primrose. It was, he thought, clear, that the Duke of Richmond meant to act on the principle of promoting well deserving officers to the vacancies as they occurred in the department, and any one who read his evidence attentively could arrive at no other conclusion. There was at present an accountant in the Post-office in Scotland. That was a check officer, and therefore if the appointment were to be made at all he was the party to whom it should have been given. He asserted that if the

Postmaster-General had discharged his duty properly he would have looked through the department generally, whether in England, Ireland, or Scotland, to see if he could not find some fit and proper person for the office, rather than nominate a stranger to it. With respect to what the right hon. Gentleman, the Chancellor of the Exchequer said as to the economy of remitting money under the present system, what was it that the right hon. Gentleman wished the House to believe? Why, neither more nor less than that it was cheaper to forward remittances by a circuitous than a direct route. Both the Excise and the Customs forwarded their remittances direct to London, and for his part he could see no good reason why their example should not be followed in the Post-office. When the office of cashier was first created, the Duke of Richmond had but just been inducted into office. It had been said, that these appointments were never made without consultation with the Treasury; but if that were so, how did it happen that neither the right hon. Gentleman, the Chancellor of the Exchequer nor any other Minister connected with the Treasury was acquainted with this appointment? Mr. Young had filled the office at a salary of 400*l.* and the party who had done the duty since his illness received only 120*l.*; and yet, when the country were crying aloud for a reduced rate of postage, an increase in the expenditure of 400*l.* was made. Now was this commonly fair? This was an appointment which was to continue for life, and the gentleman who had been appointed was at present only twenty-four years of age. He wished to ask the Chancellor of the Exchequer whether, in case in the course of a few years this office should be found to be of no use, the individual holding it would on the office being abolished have a compensation allowance? He had been informed that this office had been filled by deputy for a considerable time, with a view to keep the appointment open for this individual, and, notwithstanding all the reliance that had been placed on the authority of the Duke of Richmond, even when that noble Duke was in office he appointed his own brother (Lord Sussex Lennox) to be Postmaster-general of Jamaica. He would support the motion.

The *Chancellor of the Exchequer* said, in reply to the question of the hon. Member for Greenock, that if the office was abolished, this gentleman would not be entitled to compensation. He would not be entitled to a retiring allowance until he had been for at least ten years in the service.

Colonel *Sibthorp* said, that if the hon. Member for Kilkenny divided the House, he should feel bound to support his motion. The hon. Member had said, that he would prefer having the management of the Post-office placed in Commission, but to that he (Colonel Sibthorp) was opposed, because he agreed in the opinion that a Commission would only open the door to an increase of jobbing. The right hon. Gentleman who had addressed the House on the part of the Government had given no satisfactory explanation. Their whole system was one of jobbing, and they applied the patronage of the Crown with a view to the increase of their own power. The clerkship of the Ordnance had been kept open, waiting for the highest bidder; waiting for whoever would give the most service in return. The whole system was one which any man ought to be ashamed to defend. He hoped the hon. Member would take the sense of the House upon the present motion.

Colonel *Anson* was afraid that those who brought forward this motion were as much influenced by personal as by political feelings. The hon. Member for Kilkenny was guilty of many mistakes with respect to this appointment. He was quite mistaken in stating the place to be a sinecure; but though the hon. Member in one part of his speech did state it to be a sinecure, in another, he gave a description of the duties to be performed. The hon. Member for Greenock had made a statement, to which he was surprised how he could have given credit, namely, that this situation had been filled by a deputy to keep it open for its present occupant. This was a statement too ridiculous to merit reflection and he was surprised how any one could be imposed on by it. However, he could say, that it was totally unfounded. Though this situation was described as of no importance, such was by no means the fact, and he would direct the attention of the House upon that point to what was stated in the report of the Commissioners of revenue inquiry, and which had already been referred to. The Duke of Richmond thought the situation so important that in 1834 he separated the duties, and made this a distinct office. He did not deny but that a junior officer in a public department might naturally look forward to promotion to higher offices, but it could not be disputed but that circumstances might often arise which would make it more beneficial to the service that this rule should not be adhered to. He claimed for the head of every department the right of appointing those individuals whom he thought to be most fit and best able to perform its duties. There were receivers-general appointed in England and in Ireland, and if either of those offices became vacant, the Postmaster-General would not be consulted as to the filling them up; for these offices would be filled up by the Government without the interference of the Postmaster-General. He thought that Lord Lichfield was perfectly justified in the appointment he had made. He had hitherto spoken of the principle of the appointment; he would have spoken of the individual appointed. But, with respect to this appointment, before it was made, Lord Lichfield offered the situation to Mr. Mole and to Mr. Mason, of the General Post-office. Mr. Mole would not accept it because he was in the receipt of 500*l.* salary, and because it was necessary that he should give security to the amount of 5,000*l.* Mr. Mason refused it because he enjoyed a salary of 300*l.*, and he did not think it worth while to go to the trouble of getting security to the amount required. There were only two others who had applied for the situation—one a postmaster, who certainly possessed considerable claims, and the other a junior clerk, who had been only appointed a year before, and whose ambition suggested to him that if he could get the appointment he might ultimately become one of the Commissioners for the management of the Post-office itself. Undoubtedly he thought that this was a situation which should be filled by a person for whose integrity the public had sufficient guarantee, and who was of some rank in life, and on whom dependence could be placed. He was surprised at the personal objection made to Mr. Primrose. He was a young man who had been bred up to the law, and who was likely to have a sufficient knowledge of business to enable him to fill the situation with advantage. In his mind, if anything could be said with respect to the payment of the situation, it was rather underpaid than overpaid. But if a different course had been pursued, and Mr. Mole or Mr. Mason appointed, there would still have been objections: they would hear it said that appointing this individual was keeping up the old official system, and that instead of promoting these old officials fresh matter ought to be infused. He thought neither with respect to the principle nor the individual was the appointment objectionable.

Sir *J. Graham* had come down to the House with no determination to take part in the discussion; but he could not agree with the hon. Member who had just sat down in his censure of the hon. Member for Kilkenny for having brought forward his motion. The hon. Member for Stafford had said, that personal feeling was mixed up with this question. If it was his misfortune to be opposed to this appointment he supposed he should be accused of personal malignity. The noble Lord, the Postmaster-General, was an old friend of his, with whom he was intimately acquainted, and the noble Lord the father of the gentleman appointed to the situation in question was also a friend of his; but, notwithstanding, if a sense of duty obliged him to condemn the appointment, he would not shrink from doing so. He had come down to the House doubtful as to the question, thinking that there was something that required to be cleared up, and having listened to the discussion he found it his duty not to concur in the motion of the hon. Member for Kilkenny, for he could not honestly affirm its statements. The resolution stated that the appointment had been made contrary to the regulations of the public service. Now he knew no such regulations which could have effect unless they received the sanction of the Crown. New appointments had been alluded to as having been made by his noble Friend, the Duke of Richmond. The first appointment was that of Receiver-general in Ireland, and the next that of Postmaster-general in Jamaica. Now, with respect to the first appointment, when a vacancy occurred the right to fill the vacancy was generally exercised by the Irish Government. With respect to the Post-office of Jamaica, the situation of Postmaster-General having become vacant, it was offered by the Duke of Richmond to four or five individuals, but those individuals not being able to procure the necessary security of 10,000*l.*, the situation was given, with the consent of the Treasury, to the brother of the noble Duke, Lord Sussex Lennox, on his finding the necessary security. He was not about to pronounce any encomium on the Duke of Richmond, but he believed it would be admitted on all hands that his noble Friend had discharged the duties of his high office with fidelity, zeal, and honour, and with the utmost regard to the interests of the public service. With respect to the appointment in question he did not think it came within the rule laid down by the Duke of Richmond. Lord Althorp had said, that the first measure of the Duke of Richmond's was, when country post offices of sufficient value became vacant they should be given to retired officers of the Post-office, in lieu of superannuation allowances. However, that limitation was confined to country post offices. Motions, like the present, calculated to wound personal feeling, were not the best means of bringing under the notice of the House of Commons any violation of the proper dispensation of the patronage of the Crown. He felt, that the natural tendency of growing power was to augment itself wherever an opportunity offered. Let the question be brought forward in a general manner. He thought the Chancellor of the Exchequer had acted somewhat boldly in referring to cases of a similar nature. If he mistook not, he believed it to be a fact that Mr. Hay had been compelled to retire from the Colonial-office upon a compensation allowance, in order to make way for Mr. Stephen, and that a vacancy was created at the Board of Trade to which Mr. Le Marchant was appointed. He thought the hon. Member for Kilkenny was usefully employed in applying his attention to subjects of this nature. And if, instead of attempting high flights upon questions of colonial policy, he would be content to skim along the mud of official proceedings he would, in calling the attention to such subjects, be usefully employed. Let the hon. Member for Kilkenny give the House an opportunity to ascertain how far her Majesty's Government had carried into effect the promise of Lord Althorp that the reign of patronage was at an end. If the hon. Member afforded that opportunity he trusted he would be able to show that there never was a Government in England which exercised the patronage of the Crown with a more direct and exclusive view to the augmentation of their own political power than the right hon. Gentlemen opposite.

Mr. *F. Baring:* The right hon. Baronet had dealt so fairly with the general question that it was not his intention to trouble the House, but the right hon. Baronet could not sit down without an attack on those valued friends of his of whom he had spoken so kindly. To the attack which the right hon. Baronet had threatened he could only say, that whenever he brought the question before the House he would be ready to meet him, and to rest the defence of the Government either on their own conduct or on a comparison with the conduct of other Governments, whichever way the right hon. Baronet chose to take it. He hoped, however, the right hon. Baronet would be more accurate in his facts than he was with respect to the cases the right hon. Baronet had alluded to. With respect to Mr. Hay, that case had already been discussed in the House, and the right hon. Baronet appeared to forget that the superannuation granted was in the nature of a pension, granted by the Government which had preceded the Ministers in office. He thought the right hon. Baronet had been long enough in office to know, that a gentleman of the name of Lack had, at the termination of fifty years' service, applied for the retired allowance, and that Mr. Le Marchant had been appointed to succeed him.

Mr. *P. Thomson* said, that as he was responsible for the appointment alluded to, he begged leave to explain how it was that Mr. Le Marchant came to the Board of Trade. Mr. Stephens had received a salary of 500*l.* a year as counsel to the Board; and when Mr. Lack, after fifty years' service, applied for superannuation, it occurred to him (Mr. Thomson) that the salary received by Mr. Stephens might be saved by appointing a member of the legal profession Under-Secretary to the Board. It was for this reason that Mr. Le Marchant was appointed.

Mr. *Hume*, in reply, begged to disclaim any motives of a personal nature, but he should certainly divide the House on his motion.

The House divided on the original motion:—Ayes 202; Noes 29: Majority 173.

List of the AYES.

Acheson, Viscount
Acland, T. D.
Adam, Admiral
Anson, hon. Colonel
Archbold, R.
Bailey, J., jun.
Baines, E.
Ball, N.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Bentinck, Lord G.
Bentinck, Lord W.
Bernal, R.
Bewes, T.
Blair, J.
Blennerhassett, A.
Blewitt, R. J.
Bolling, W.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bryan, G.
Buller, C.
Buller, E.
Burroughes, H. N.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Carnac, Sir J. R.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chapman, A.
Chute, W. L. W.
Collier, J.
Conolly, E.
Courtenay, P.
Craig, W. G.
Curry, W.
De Horsey, S. H.
Divett, E.
Douglas, Sir C. E.
Duckworth, S.
Duff, J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dunlop, J.
Eliot, Hon. J.
Evans, W.
Feilden, W.
Fellowes, E.
Fenton, J.
Ferguson, R.
Fergusson, rt. hn. R. C.
Filmer, Sir E.
Finch, F.
Fitzsimon, N.
Fort, J.
Freshfield, J. W.
Gibson, T.
Gordon, R.
Graham, rt. hon. Sir J.
Grattan, J.
Grattan, H.
Grey, Sir C. E.
Grey, Sir G.
Hall, B.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Houldsworth, T.
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Hutton, R.
James, W.
Jephson, C. D. O.
Johnstone, H.
Jones, I.
Kemble, H.
Kinnaird, hon. A. F.
Kirk, P.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Lennox, Lord A.
Leveson, Lord
Loch, J.
Lockhart, A. M.
Logan, H.
Lushington, Dr.
Macnamara, Major
Marshall, W.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Nagle, Sir R.
Nicholl, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Paget, Lord A.
Pakington, J. S.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parnell, rt. hon. Sir H.
Parrott, J.
Pease, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Pinney, W.
Plumptre, J. P.
Poulter, J. S.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pusey, P.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scarlett, hon. J. Y.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Earl of
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, J. A.
Smith, R. V.
Somerville, Sir W. M.
Speirs, A.
Stanley, Lord
Stanley, W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Thomson, rt. hon. C. P.
Tollemache, F. J.
Troubridge, Sir E. T.
Verney, Sir H.
Vivian, Major C.
Vivian, J. H.
Vivian, J. E.
Vivian, rt. hon. Sir H.
Walker, R.
Westenra, hon. J. C.
White, A.
White, S.
Wilbraham, G.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Wood, C.
Wood, G. W.
Wood, T.
Woulfe, Sergeant
Wrightson, W. B.
Yates, J.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Aglionby, Major
Bagge, W.
Blackstone, W. S.
Brabazon, Sir W.
Chandos, Marquess of
Colquhoun, J. C.
Dalrymple, Sir A.
Dick, Q.
Duncombe, hon. A.
Fielden, J.
Fitzroy, hon. H.
Grimsditch, T.
Grote, G.
Hale, R. B.
Hinde, J. H.
Hodgson, R.
Hotham, Lord
Knightley, Sir C.
Mackenzie, W. F.
Marsland, H.
Maunsell, T. P.
Round, J.
Rushbrooke, Colonel
Sibthorp, Colonel
Stanley, E.
Wakley, T.
Warburton, H.
White, L
Williams, W.

TELLERS.

Hume, J.
Wallace, R.

POLICIES OF ASSURANCE.] On the question that the Speaker do leave the chair,

Colonel *Sibthorp* rose to move as an amendment for the reduction of the duty on Policies of Assurance. He hoped that he would not be opposed by the Chancellor of the Exchequer on the miserable pretext that the finances of the country would not bear any diminution of taxation. The right hon. Gentleman should have been the person to make this motion, but he (Colonel Sibthorp) was sorry to say, that Government had, on all occasions, shown a disposition to resist it. He was happy to say, that this was so little of a party question that he could confidently look for the support of Gentlemen opposite, as even the Chancellor of the Exchequer himself, and the right hon. the Secretary for the Board of Trade, had presented petitions for the remission of the tax. Government had remitted a great many taxes not near so oppressive as the one now under discussion. On looking over the paper he found that the duty on rhubarb, on human hair, on anchovies, and French wines, on balsam of copaiba, and jalap had been reduced, although these were all articles of luxury, and deserved to be taxed. He also found a reduction in the duty on playing cards. To be sure these might be an article of necessity to many hon. Members, but while these taxes on mere luxuries were remitted by wholesale the tax on Policies of Assurance, one which affected a very large portion of the community, remained as high as at any period during the war. He thought it absurd that, while the premium on fire assurance was only 1*s.* 6*d.* per cent. the duty should be 3*s.*—a duty which deterred many, in spite of the frequent lamentable accidents, from insuring. The effect of the present high rate of duty was to transfer a great deal of the business to foreign offices—indeed he had heard a report, for the accuracy of which he could not vouch, that previous to the late fire in the Temple, the law gentlemen residing there had met for the purpose of considering whether it would be advisable to insure that building in a French-office. [The *Attorney-General*: No, no.] The report might be incorrect, but a great many buildings were insured in foreign offices; this would be prevented by a reduction of the duty, which reduction would not ultimately prove any loss to the revenue. There was a strong feeling amongst the public on the subject, and it was high time that the matter should be taken into consideration. The hon. and gallant Member concluded by moving as a resolution, that it is the opinion of the House that the duty now chargeable on all insurances against fire at the rate of 3*s.* per cent. on each policy, shall cease, and shall henceforth be at the rate of 1*s.* 6*d.* in lieu thereof on all such policies, being a reduction of one half of the former amount.

The *Chancellor of the Exchequer* could not complain of the hon. and gallant Colonel's motion, nor of the manner in which it had been brought forward, but the hon. and gallant Colonel had himself anticipated the answer which he felt bound to give to the motion. He could not be expected to defend this tax or any other tax as being other than evils, although necessary evils. Undoubtedly with respect to the charge upon insurances, whether marine, fire, or life insurances, it was one which pressed heavily upon persons in all stations of life, but he was not quite sure that he entirely concurred with the hon. and gallant Colonel in thinking that the charge upon fire insurances was entitled to the very first consideration. He would state one single fact, which he hoped would be sufficient to induce the House to suspend its decision on this subject. The financial year was not yet at an end, and he had had no opportunity of laying before the House the condition of the finances of the country. In January last, however, a statement was published in the *Gazette* of the condition the finances were in at the last period of striking a balance. According to the balance-sheet published in January it appeared that, so far from having a surplus to dispose of, the country was in a state of deficiency. There was a deficiency of 655,000*l.* on the balance of the year. He could assure the gallant Colonel that if he chose to raise the question on a fitting occasion, he would show to the gallant Colonel and the country, speaking of mercantile men and men conversant with the working of the crisis like that from which we had just escaped, that no man would be bold enough to say, that any financial measure that had been done, or that had been omitted to be done, would have prevented that commercial crisis which, taking its rise in America, and acting on this country, had reacted on the general trade, and consequently on the revenues of this country. The hon. and gallant Colonel had asked him to try the proposed reduction as an experiment. He did not think, that he would be justified in trying an experiment, the result of which was very doubtful, at a time, when in point of fact, there was no surplus revenue to give away. If he had a surplus revenue he should be prepared to meet the hon.

and gallant Colonel on this subject, but he must decline doing so unless the gallant Colonel accompanied his proposition with the information that he was prepared to substitute some other tax for the one he proposed to repeal. He did not think that the House or the country would say, that they were acting as reasonable or honest men if they parted with a considerable amount of revenue when there was a deficiency of income. He must also remind the House that this was an increasing and not a diminishing tax. For the three years preceding the present, the amount had been for the first 809,000*l.*, for the second 844,000*l.* and for the year before the present 872,000*l.* It had, therefore, in a period of three years, increased by 63,000*l.* Under these circumstances he hoped the House would not entertain the proposition of the hon. and gallant Colonel, and would not take this opportunity of diminishing a tax which stood pledged for the maintenance of the public credit, and which was necessary in order to enable the Ministers to carry on the Government of the country.

Sir *George Sinclair* entreated his hon. and gallant Friend to withdraw his motion, and not take the sense of the House; because, if he did so, after the statement of the Chancellor of the Exchequer, he should feel himself under the disagreeable necessity of voting against the motion.

Colonel *Sibthorp* said, that the right hon. Gentleman, the Chancellor of the Exchequer had asked him how he would supply the supposed deficiency that would arise if this reduction were effected. In answer to the challenge, he begged to inform the right hon. Gentleman that he hoped shortly to submit to the House his motion for the reduction of official salaries; and he hoped further, that the saving thus effected, would supply the deficiency that would be caused if the present proposition were agreed to. He had discharged his duty, and he was determined to take the sense of the House.

Sir *E. Knatchbull* was one of those who thought very highly of the merits of the motion of the hon. and gallant Colonel; but he hoped that the hon. and gallant Colonel would not press it to a division, the only effect of which, in the present state of the House, would be to damage the question in the eyes of the country. While he was on his legs, he begged to ask the right hon. Gentleman, the Chancellor of the Exchequer, when he intended to bring forward his financial statement? He was desirous of having a distinct answer, because in the last Session the right hon. Gentleman had been repeatedly pressed on this subject, and was very unwilling to give any answer. The right hon. Gentleman told the House that when the proper time came he would give ample and satisfactory reasons for the delay that had occurred. He (Sir E. Knatchbull) was present when the right hon. Gentleman made his statement, but he had vainly sought for the reasons which the right hon. Gentleman promised to give for the delay that had taken place.

The *Chancellor of the Exchequer* would confine himself to the question of the right hon. Gentleman, and would give it a distinct reply. The financial year would conclude on the 5th of April, and as soon as the year's accounts were made up, and put into the hands of Ministers, so as to make his statement intelligible, and this in all probability would be in the course of the month of April, he hoped to be prepared to make his financial statement.

Mr. *Hume* said, that it was impossible to inquire into the subject before the House without being satisfied that many properties were uninsured in consequence of the high rate of duty. He was satisfied that if a reduction were made the revenue would not suffer, and millions would be covered with insurances which were now lost. Feeling this, he was anxious that this question should be fairly discussed, and not brought forward incidentally. Examples of former reductions might be brought forward to show that taxation had been reduced with great benefit to the people at large, and without injury to the revenue. He hoped the hon. and gallant Colonel would not press the matter to a division now, but when the proper time came to discuss this question, he would vote with the hon. and gallant Colonel, and support him by all the means in his power.

Lord *Mahon* said, that under different circumstances, and at another period, he would have been happy to vote for the motion of the hon. and gallant Colonel, but if now pressed to a division he must vote against it.

The House divided on the original motion—Ayes 95; Noes 20: Majority 75.

List of the AYES.

Acheson, Viscount
Acland, T. D.
Baring, F. T.
Barry, G. S.
Beamish, F. B.
Benett, J.
Berkeley, hon. H.
Bernal, R.
Blunt, Sir C.
Briscoe, J. I.
Bryan, G.
Buller, E.
Busfield, W.
Campbell, Sir H.
Campbell, Sir J.
Chichester, J. P. B.
Childers, J. W.
Chute, W. L. W.
Clay, W.
Conolly, E.
Craig, W. G.
Curry, W.
Darby, G.
Divett, E.
Duff, J.
Dunlop, J.
Easthope, J.
Ferguson, Sir R. A.
Fergusson, rt. hon. C.
Finch, F.
French, F.
Grattan, J.
Guest, J. J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Hutton, R.
Johnstone, H.
Kemble, H.
Langdale, hon. C.
Lennox, Lord G.
Lockhart, A. M.
Mackenzie, T.
Macleod, R.
Mahon, Viscount
Marshall, W.
Masters, T. W. C.
Mildmay, P. St. J.
Miles, P. W. S.
Morris, D.
Murray, rt. hn. J.A.
O'Brien, W. S.
O'Ferrall, R. M.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pease, J.
Pendarves, E. W. W.
Philips, G. R.
Poulter, J. S.
Protheroe, E.
Pusey, P.
Rice, rt. hn. T. S.
Rich, H.
Roche, D.
Rolfe, Sir R. M.
Rushout, G.
Russell, Lord John
Salwey, Col.
Sharpe, General
Sinclair, Sir G.
Stanley, E. J.
Stansfield, W. R. C.
Strutt, E.
Style, Sir C.
Thornley, T.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verney, Sir H.
Vivian, Major C.
Vivian, rt. hn. Sir R.H.
White, L.
White, S.
Williams, W. A.
Winnington, T. E.
Wood, C.
Wood, T.
Woulfe, Sergeant
Wyse, T.

TELLERS.

Maule, hon. F.
Grey, Sir G.

List of the NOES.

Baring, H. B.
Brotherton, J.
Collier, J.
Ellis, J.
Fielden, J.
Gibson, T.
Hume, J.
Jones, J.
Kirk, P.
Logan, H.
Mackenzie, W. F.
Marsland, H.
Parker, R. T.
Perceval, Colonel
Round, J.
Somerville, Sir W. M.
Walker, R.
Warburton, H.
Williams, W.
Wood, G. W.

TELLERS.

Sibthorp, Colonel
Forester, hon. G.

The House resolved itself into Committee of Supply.

ARMY ESTIMATES.] Viscount *Howick* said, that in rising to bring forward the army estimates for the current year, he thought he should best consult the convenience of the Committee by adverting as briefly as the case would admit of, to those points in which they differed from those of last year. He would first call the attention of the Committee to the vote respecting the number of men which it was proposed to grant. The Committee would perceive in this vote an apparent increase of 8,000 men, but he need not inform those Gentlemen who had paid attention to this subject that this increase was only apparent and not real, the actual increase being much less than the figures implied. It had been the practice for some years past to keep up all the regiments in the estimates to the full extent of their establishments, though in actual practice they kept a certain number of men short. For the last two or three years this actual reduction had been made to the extent of eight men in each company of infantry, and five men in each troop of cavalry. It was not proposed that the whole of these reductions should for the present be supplied; all that had hitherto been directed was, that the number of the cavalry should be completed, which would cause an actual increase of 580 men as compared with the estimates of last year; and that all the infantry regiments likewise which furnished the military force in the North American provinces, or which were ordered out on that station, should be recruited up to the full complement of their respective establishments. In other words they had deducted a smaller number of non-effective men this year than on previous occasions; so that whereas the deductions last year were equivalent to a diminution of expenditure to the extent of 181,000*l.*, at the present year they were only to the extent of 110,000*l.*, thereby giving an actual increase of 71,000*l.* There was also an increase of rather more than 9,000*l.* on account of officers who had been sent out to Canada on the first breaking out of the revolt, in order to assist the volunteer corps of those provinces. These additions had in part been met in the present estimates by a saving in respect to 2,500*l.* on account of the staff corps, which had been transferred from the army to the ordnance estimates, in accordance with an Act of Parliament passed last year.

The result of this deduction was, that the net regimental charges of the present year showed an increased expenditure of 77,322*l.* over that of last year. Of this sum 48,000*l.* was on account of provisions, forage, &c. This was only the third year in which this charge had been included in the army estimates; they were formerly voted in what was termed the army extraordinaries, but in 1835 an arrangement was made by which these charges should be included in the regular estimates of the army. The expenses of the staff would likewise incur an increase, notwithstanding the apparent diminution by reason of the transfer of 2,500*l.* from the army to the ordnance estimates. This increase in the expenditure of the staff was caused in a great measure by the increased demands of our colonial service, particularly Canada, where two new major-generals had been added, and in New South Wales, where a major-general had been appointed, in order to relieve the governor from his military duties, which, in connexion with his civil functions, were found to be too onerous a charge in that important and extensive colony. On the other hand, there was a diminution in the yeomanry corps to the extent of 25,127*l.* The civil department and the military asylum were subject to no change. The total increase in the estimates for the effective service, after deducting an increased charge of 5,500*l.* defrayed by the East India Company, was 144,996*l.*, which sum, however, was further reduced by an increase of 31,364*l.* of appropriations in aid—being an actual increase to be voted of 113,632*l.* There would be, however, a reduction in the estimates for the non-effective service, of 10,000*l.* of the army pay of general officers, 20,000*l.* of half-pay and military allowance, 15,000*l.* on account of pensioners of Chelsea and Kilmainham, and other items, amounting in the whole to 65,599*l*, .which would leave a total increase of amount to be provided on account of these estimates, as compared with those of last year, of 48,833*l.* There was also the supplemental estimate voted for some years for auxiliary forces at the Cape of Good Hope for the repression of the Caffres, which was this year reduced by 30,000*l.*, being only 10,000*l.*; and he had every reason to hope that by next year this estimate might altogether be included in the regular amount. This reduction of 30,000*l.* however, again reduced the increase on these estimates to 18,000*l.* only. At the same time, however, whilst he stated these facts, he felt it to be his duty to caution the House that although it had been found possible by the present arrangement to send a very considerable force to North America without interfering with the regulations relative to the reliefs of forces on foreign stations, yet, if this increased force had to be kept up for any lengthened period, this could not be accomplished without a very much larger increase in the military establishments of the country. As the case stood at present, he believed, that the existing force was perfectly adequate to the necessities of the public service; and he hoped before long to be able again to bring down the number of troops in the Canadas. If, however, he should be disappointed in this expectation, there would be no course left to him but to appeal to the liberality of the House for an increased vote in order to afford those reliefs to the troops on foreign stations which they were so fairly entitled to expect. It was proper that he should state, also, that in these estimates no allowance had been made for the (he feared it would be found) large increase which had been incurred in the expenses of the service in Canada in putting down the revolt in that province. Although the Government had as yet received no data as to these expenses, or any calculations of what the circumstances required, he had no doubt that, from the number of volunteers who were taken into pay on that occasion, a very considerable further demand would be required. Whenever the necessary information on this subject was received from the colonial authorities, he should be prepared to lay a supplemental vote before the House, as had been the case in respect to auxiliary troops at the Cape of Good Hope. Having stated the e few particulars, the noble Lord concluded by stating that he should not trouble the House with further observations, but move the first resolution for raising 89,305 men for the services of her Majesty's land forces.

Mr. *Hume* had expected, after what had been stated on a former occasion by the noble Lord, the Secretary for the Home Department, that these estimates would have exhibited a very considerable reduction from those of last year. The noble Lord last year stated that the state of Ireland was such that he expected that two or three regiments might be recalled without any inconvenience or danger to the public. If such had been the case, what had been done with these regiments? where were they gone? It was quite evident that there was no other part of the world to which they could have gone but to Canada; and yet the noble Lord, the Secretary at War had stated the particulars of the number of troops which he proposed sending thither. This increase of troops was made by the Government with the greatest alacrity, although they proclaimed that the insurrection of the Canadas was of such a very trifling nature that, at the time they were sending over resolutions enough to drive the people to madness, there was no occasion to accompany them with a single additional troop. If that was the case at the outbreak of the revolt, what was the case now? The provinces were reported to be perfectly quiet. Then where was now the occasion for a reinforcement of troops? The present vote was very similar to that of last year, but the House would recollect, that, at the time, he warned the noble Lord that the amount was much heavier than was necessary; and he still thought that the noble Lord had not made out his case for the amount of the estimate of last year, much less for the increase which he now proposed. He lamented to see that the Government were every year increasing the army of the country. We had 20,000 men more than when the Duke of Wellington was in power. He attempted last year to obtain a reduction of 3,000 men, but the House, which always liked to encourage Ministers in any proposition of extravagance, was against him; and he really believed that if the Government were to propose an increase of 150,000 men, it would be granted them. On the present occasion, however, he should certainly propose a reduction of 10,000 men, which if the Government were consistent and correct in all they had said about the peaceful situation of Ireland, could easily be taken from that country. He admitted, that if, by any cause, a great number of workmen were thrown out of employment in this country, there might be some danger of disturbance; but if the noble Lord were to look at the causes which were stated year after year as the grounds for demanding former estimates, he would find, that not one of them existed at the present moment. Our navy was the largest ever maintained, and our military forces were also increased. When there was nothing of disturbance or confusion either at home or abroad, upon what ground was this increase asked? He would recommend the noble Lord, the Secretary at War, to consult the noble Lord, the Secretary for Foreign Affairs, who, in his evidence before the Finance Committee in 1817, recommended, that large corps should be appointed, consisting of 900 men. By such a change the noble Lord urged, that there would be a large saving as to the staff, and that the same force could be sustained fo 200,000*l.* which it formerly took 300,000*l.* to maintain. Why, then, did not the noble Lord, the Secretary of War, now propose the reduction of twelve regiments, keeping up, if he thought fit, the same number of men, but effecting a reduction in the staff? No man could say that there was not a larger proportion of officers to men in our service than in any other. He trusted, that the Commission which had been appointed would prove, that it was impossible to do justice without reviewing the whole establishment, and apply to every regiment an uniform rule. If it were not for the expense of the Guards, he should have no objection to allow the aristocracy to use this corps as a means of obtaining a station, the chief use of which appeared to be for the purposes of ornament and amusement; but it was, in his opinion, extremely hard that a body unaccustomed to the toils of war should be favoured to an extent far beyond those regiments which served in all our colonies. If they looked to Austria, they would find, that the Guards there took their turn on active service. Being persuaded that the army expenses could only be reduced by cutting down the number of men, and reducing the officers and staff, it only remained for him to inquire upon what pretence such a large military force was kept up in England and Ireland? He left the colonies out of the question, though he did not believe that in those where any thing like good government prevailed, there was any necessity for keeping up the large force which was asked. If they meant to keep the colonies as conquered provinces, let them say so; but if they intended to secure the allegiance of the people by their affections, then he was convinced that a very small force would be sufficient to prevent hostile aggressions on their territory, because the people of those colonies were willing and able to keep the peace, provided they were (as they had a right to be) treated in the same manner as the inhabitants of this country. Troops should be no longer placed in these colonies to overawe the people, and to prevent those reforms and improvements which they demanded. When the people were pressed down by heavy taxes of the most galling character, it was incumbent on those who wished to lighten their burden to effect a reduction in the outlay of our present establishments, particularly when they recollected that, in addition to our large military force, there were 34,000 men required for the navy, and between 8,000 and 9,000 more for the artillery. Then again there was a force which partook of a military character in Ireland, where 16,000 policemen, rank and file, were stationed. Could they, then, tell him that the country was at peace, or that the people were satisfied, when such a formidable military array was deemed essential to the preservation of tranquillity? Up to the French war in 1792 there were never more than 8,000 or 9,000 men required in Ireland. It appeared to him that their present establishment argued a distrust of the people of Ireland, or a disbelief that peace and contentment existed in that country. He should propose that 10,000 men should be taken from the number which was proposed. The hon. Member concluded by moving, that 79,305 men be the number for the ensuing year.

Captain *Wood* maintained that the Sovereign must be surrounded by some troops; and it was far better to have a corps of guards, than to make a selection from regiments, which must lead to favouritism. The hon. Member for Kilkenny had asked, where were troops necessary? He should answer by telling him that if 2,000 men had been stationed in Canada at the proper time, we should not now be under the necessity of sending out 10,000 men.

Lord *John Russell* said, that with regard to the re-inforcement which it was proposed to send to Canada, he did not wish to revive the debates which had already taken place in connection with that subject. He did not hear in the course of those debates any objection strongly urged to the proposition for sending out a considerable force to Canada. Indeed, that re olution stood on such obvious grounds of policy, that he did not think it necessary to refer to it at any greater length. The hon. Member for Kilkenny had said, that he (Lord John Russell) had last year stated, that two regiments of infantry and one of cavalry might be safely removed from Ireland. The hon. Member's allegation was quite correct, and he believed, that the removal of troops from Ireland would be found to be far greater than he had anticipated. He thought if he were to say, that there were 5,000 men less in Ireland than were hitherto stationed there he should be understating the reality. He would only say on this point, that if there had unfortunately prevailed in that country such disaffection as to call for an increase rather than a diminution of men, the vote which his noble Friend would have had to propose would be much larger than that now submitted. The hon. Gentleman had asked where were troops required? Why there were frequently demands for troops in various parts of the country; and when, last year, troops were required in Scotland, he did not think it proper to take troops from the north of England for the purpose of putting down the disturbance in the former country, but considered it right to supply them from other stations. The hon. Gentleman had asserted that they had gone on increasing the army from year to year, and that the present establishment was larger by 20,000 men than when the Duke of Wellington was in office. This was a representation at which he should not have been much surprised if it had been made on some vague rumours out of doors, but coming from an hon. Gentleman who continually attended to the estimates, and made them his peculiar study, it did seem to him to be a singular assertion. The fact was, that the year the Duke of Wellington quitted office, a considerable reduction was made in the army to the amount of 7,684 men. This was replaced by Lord Grey in 1831, but in 1834 a reduction was made exactly to the same amount as in the former year, although now an increase was made not to the standard of 1831, because it fell under 7,000 men, and of course considerably below the statement of the hon. Gentleman. The hon. Gentleman proposed various modes of reduction, one of which was to abolish ten or twelve regiments. He did not think such a change wise, or justified by the exigencies of the present time. The hon. Gentleman had alluded to the number of cavalry regiments. He could inform him that in consequence of the necessity of sending troops to Canada, it was necessary to make a large increase to our military force, and by enlarging the number of men to each regiment, this was done in a much less expensive manner than by adding five regiments of cavalry. The hon. Member had complained that the Guards were kept in personal service on the Sovereign, and had undue favour shown them. He did not think, that the history of the Guards and the services which they had rendered warranted this reproach. And if ever there was a time when it was most inopportune it was now, when a portion of this corps was about to sail for Canada, and were ready to be employed in the service of their country like any other regiment of the line. With regard to the proposal by the Government for the expenses of the army, he should not now enter into that subject, but he certainly did not think the vote proposed at all extravagant.

Mr. *Gillon* observed, that he was in Lanarkshire when the disturbance referred to by the noble Lord had taken place. It was caused by a strike of the colliers, and one regiment of infantry was sufficient to put it down. When a party vote such as that for the reprimand of the hon. and learned Member was to be decided, the benches were crowded, and some came down to that House who seemed scarcely able to crawl; but when six millions of the people's money were voted, the House was comparatively thin.

Sir *H. Verney* contended, that the absence of Members might be easily accounted for, on the ground that this subject had been debated over and over again, and from the general impression that if they wished to retain their colonial possessions it was necessary to keep up a large military force no diminution could be expected. The service of no other army was so severe as that of the British. At all events he thought it would be good policy to send a large force to Canada during the period of the suspension of the constitution.

Viscount *Howick* felt called upon to trouble the Committee with one or two observations in answer to what had fallen from the hon. Member for Kilkenny. The hon. Member had asked why they should not reduce the number of regiments, and had then gone on to assert that a large number of those regiments was kept up for the mere purpose of patronage and promotion, and further, that there was a larger proportion of officers in the British service than in any other. He had not before him any returns showing what the proportion in other services might be, but he firmly believed, that the hon. Member was mistaken in the fact. But compared to the year 1792—that year which the hon. Member so continually referred to, as the fitting standard in all matters of army financial policy—compared to 1792, how stood the case? He had before him a table showing the proportion of officers to men in the army in the year 1792, and he found that that proportion was as one to twelve, while in the present year it was rather more than as one to eighteen and a half. With respect to the proposition of the hon. Member, he should only say, that he thought the House would act most unwisely in sanctioning it. Before the Committee of 1833, the hon. Member had made the same proposition, and it had then been clearly demonstrated, indeed, as well as he recollected, the hon. Member himself had expressed himself satisfied with the statement, that reduction, if made in the manner he proposed, would lead to a very great increase of expenditure. The present system had the especial recommendation that, with very little trouble and at very little expense, it could be reduced or increased as the urgency of the case required. The experience of 1821-22, when a reduction of 21,000 men was suddenly made, ought to render the House cautious how it assented to the proposition of the hon. Member.

Sir *E. Knatchbull* meant to vote in support of the motion of the noble Viscount. He rose solely in consequence of a remark of the noble Viscount to the effect that it might be necessary to submit to Parliament a supplementary vote with reference to the recent events in Canada. He (Sir E. Knatchbull) should much regret the realization of such a necessity. Should such a vote be proposed, Parliament would find itself placed in a somewhat novel situation—that of being called upon to pass a vote for services rendered, and respecting which they could exercise no sort of control whatever. This was a line of proceeding which he thought could not be too strongly condemned; nor was this to be the only instance of such a practice. In the early part of the evening the noble Lord, the Secretary for the Home Department, had informed the

House that no estimate of the expense of Lord Durham's mission to Canada was to be made before his departure from this country, and in fact that that personage was to be unlimited in regard to expense. Here, again, the House would be called on to vote for services previously rendered, and for expenses over which they would have no control. He thought her Majesty's Government would act most unwisely were they to give Lord Durham a *carte blanche* in regard to his expenditure, and that before he left the country some kind of restraint should be laid on him.

Lord *J. Russell* did not anticipate that the mission of Lord Durham would prove more expensive, if so much so, than any other mission of a similar nature in past times. Lord Durham was going out as a special envoy, and the sums now paid to the governors of the two provinces of Canada would go a great way towards the expense of his mission. The Government in deciding, that no estimate of the expense should be made out, and that Lord Durham should proceed to fulfil the duties of his important office unlimited on this head, had but followed the precedents of Lord Cowley's special mission to Spain during the war, and Lord Stuart de Rothesay's to Lisbon about the same period.

Sir *G. Sinclair* thought, that all who had supported her Majesty's Government during the progress of the Canada bill, were bound to vote in favour of the present proposition.

Mr. *Hume*, in allusion to the statement just made by the noble Viscount (Lord Howick) as to the proportion of officers to men in the army in 1792, begged to observe that if a comparison were made of the army expenditure in the year 1792 and 1838, that of the latter year would be found the greater.

Viscount *Palmerston* begged to trouble the Committee with one word before they proceeded to a division. The hon. Member for Kilkenny had stated, that in his (Lord Palmerston's) examination before the Committee in 1828, he had endeavoured to show, that it would be a more economical arrangement to convert the then and now existing battalions of 740 to battalions of 1,000 strong. Not wishing to trust to his memory, he had referred to the minutes of his evidence upon the occasion alluded to. He found there, as indeed he had, from the moment he heard the hon. Member's assertion, anticipated he would find, that so far from having made the statement attributed to him, his evidence was, that to convert eighty-three battalions of 740 men to sixty-one battalions of 1,000 men, instead of being a saving, would add 8,720*l.* a-year to the army expenditure, and cost the country, during the first year, an additional sum of 81,000*l.* So much for the accuracy of the hon. Member's statement.

The Committee divided on the Amendment:—Ayes 11; Noes 121:—Majority 110.

List of the AYES.

Aglionby, Major
Blewitt, R. J.
Brotherton, J.
Dennistoun, J.
Fielden, J.
Grote, G.
Marsland, H.
Rundle, J.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.

Hume, J.
Gillon, W. D.

List of the NOES.

Anson, hon. Colonel
Archbold, R.
Baring, F. T.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Bewes, T.
Blackburne, I.
Blair, J.
Briscoe, J. I.
Brodie, W. B.
Busfield, W.
Chalmers, P.
Childers, J. W.
Codrington, C. W.
Compton, H. C.
Conolly, E.
Courtenay, P.
Craig, W. G.
Cripps, J.
Curry, W.
Damer, hon. D.
Darby, G.
Douglas, Sir C. E.
Dundas, C. W. D.
Dunlop, J.
Egerton, W. T.
Elliot, hon. J. E.
Ellice, R.
Evans, W.
Ferguson, Sir R. A.
Fergusson, rt. hon. C.
Filmer, Sir E.
Fitzsimon, N.
Fleetwood, P. H.
Forester, hon. G.
Fremantle, Sir T.
Gibson, T.
Grattan, J.
Grey, Sir G.
Grimsditch, T.
Hayes, Sir E.
Hayter, W. G.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hotham, Lord
Howick, Viscount
Hurt, F.
Hutton, R.
James, W.
Jephson, C. D. O.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, hon. Sir E.
Lefevre, C. S.
Lennox, Lord G.
Lister, E. C.
Lushington, C.
Lygon, hon. General
Lynch, A. H.
Macleod, R.
Master, T. W. C.
Maule, hon. F.
Mildmay, P. St. J.
Miles, P. W. S.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Brien, C.
O'Brien, W. S.
O'Ferrall, R. M.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parnell, rt. hon. Sir H.
Perceval, Colonel
Plumptre, J. P.

Ponsonby, C. F. A. C.
Power, J.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Rickford, W.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Round, C. G.
Rushout, G.
Russell, Lord J.
Salwey, Colonel
Scarlett, hon. J. Y.
Seymour, Lord
Sharpe, General
Shirley, E. J.
Sinclair, Sir G.
Spencer, Hon. F.
Stanley, E. J.
Stansfield, W. R. C.
Stuart, V.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hon. C. P.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verney, Sir H.
Vivian, rt. hon. Sir R. H.
White, A.
White, S.
Wilbraham, G.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Wood, C.
Wood, G. W.
Wood, T.

TELLERS.
Dalmeny, Lord
Steuart, R.

Resolution agreed to.

House resumed—Committee to sit again.

HOUSE OF LORDS,

Tuesday, March 13, 1838.

MINUTES.] Petitions presented. By the Earl of BANDON, from Kinean (Cork), against the National system of Education.—By the Archbishop of CANTERBURY, from Clonmel, for protection to the Church of Canada.

YEOMANRY CORPS.] The Earl of *Winchilsea* said, in consequence of a return laid yesterday on their Lordships' table, relative to a reduction of the yeomanry cavalry, and also a circular letter which he had received from her Majesty's Home Secretary, stating that his services were no longer required, and considering the situation which he had the honour to hold in the yeomanry cavalry of the county of Kent, he should take the liberty of asking the noble Viscount opposite a question with respect to the disbanding of the yeomanry corps in different parts of the country. It appeared that the same system was not acted on in every county. In some counties the yeomanry corps were wholly disbanded, while in others they were only partially reduced. Thus, in the north of Lincolnshire, the yeomanry corps were entirely disbanded, while in the south of that county, the corps commanded by a noble Lord was retained. The yeomanry corps of Kent were to be disbanded, alalthough they afforded protection to a country which extended forty-five miles in length, and thirty-five miles in breadth, and had done very considerable service. Again, by the system now about to be pursued, he found that a large portion of Hampshire would be left totally without protection of this sort. He should like to know on what principle this reduction proceeded. For his own part he must say, that he strongly deprecated any such measure; for of all the forces which belonged to this country, the yeomanry corps were the most constitutional, and the best adapted to the habits and feelings of the people. He should be glad therefore to learn from the noble Viscount, whether this was only the first step towards the destruction of this national force—whether it was only what was called the first instalment on this point granted to the Radical section, for the assistance and support which they gave to her Majesty's government—to that party which had long been determined on the destruction of this most useful force? He could say most conscientiously, and upon his honour, that his own political opinions had never been mixed up with his military character; and though he had entertained the corps which he commanded, and had been entertained by them—for the officers entertained the men, and the men the officers—he had never once heard a sentence uttered, or a single speech delivered connected with politics since he knew it. Still he would say, (why should he attempt to conceal it from their Lordships?) that he believed the yeomanry corps throughout the country were decidedly of a Conservative character. They were apprehensive that the principles supported by her Majesty's Government, and by the party that assisted them, were opposed to the safety and prosperity of the country. He thought that the noble Viscount should now fairly and openly state, whether he intended to proceed further in the destruction of this useful force, or whether it was only the first instalment, to be hereafter followed up? The expense of these corps to the country was not above 10*l*, a-man annually, and by disbanding them, the whole saving would not exceed 10,000*l*. Would the Government, then, for so paltry a saving, abolish those corps? He feared, however, that her Majesty's Government had an ulterior object in view, when they contemplated the removal of this force. He feared that they intended to establish a paid constabulary force, to be appointed by the Government, and further, to dispense with the services of the unpaid magistracy, and to appoint paid magistrates in their place. Now, he would caution and warn the people of this country, that if such a measure were adopted, there would be an end of British independence and liberty; and and whether it came from one side of the House, or from the other, he would strenuously oppose it. At the same time he would not conceal his opinion, that the constabulary force, as now constituted, was on the most useless footing, and he should rejoice to see that protection extended to several districts, which the existing police was totally inefficient to afford. He would not, therefore, oppose the establishment of a paid constabulary force, but he should be sorry to see it under the direction and control of any Government, whether Whig or Tory. He could not conclude without observing, that the individuals who had come forward to join the yeomanry corps, when the country was in much danger, and whose property had been placed in great jeopardy, had a right to complain of the manner in which they had been treated. With regard to the two regiments which he had the honour to command, he wished to have moved for the report connected with them; but learning from the noble Viscount that it was of a confidential nature, he would not press for it. He must, however, bear this testimony to the force which he had commanded, that, consisting, as it did, of 700 men, there never had been, since he was connected with it, either in a military point of view, or a civil or moral point of view, a single complaint lodged, so far as he knew, against any of the individuals composing it. He hoped, therefore, that the noble Viscount would state on what principle the proposed reduction was to be made, and declare whether the Government had any ulterior object in view.

Viscount *Melbourne* said, he entirely agreed in the praise which the noble Earl had bestowed on the yeomanry corps; and he more particularly agreed with him as to the spirited and opportune manner in which they had come forward in a time of difficulty and danger, and when considerable disturbances had occurred. But the establishment of these yeomanry corps took place at a period of emergency, and without any idea of a permanent continuance. They had been most useful in places where great disturbances had broken out; but it never was supposed, when these disturbances were suppressed, that in each county a permanent yeomanry force was to be established; and when a reduction of the public expenditure was pressed on the Government from all quarters, it was not unnatural that they should look to a re-organization of those corps, with a view to economy. It was therefore deemed proper to reduce those corps in such parts of the country where their services were not likely to be wanted. Such was the principle acted upon on the present occasion. The smaller corps was in places where local circumstances had no longer required their continuance. The noble Earl had asked, whether this was not merely part of a plan entertained by her Majesty's Government, and whether it was not their intention to dismiss the whole of these corps. It was not for him to say what it might be proper to do hereafter; but this he would state—that it was not with any intention like that which the noble Earl had attributed to her Majesty's Ministers that the present step was taken. It was intended to retain certain corps after they had undergone the proposed revision; but it unquestionably was not the intention of Ministers to proceed with a further reduction, if it were not rendered advisable by circumstances. With respect to the corps which the noble Earl commanded, it ought to be recollected that it was formed in a county—the county of Kent—which less required such a protection than many others, in consequence of its proximity to the metropolis, from which an adequate force could always be despatched in cases of emergency. As to the report to which the noble Earl had alluded, he could have no other ground for calling for it than a desire to show the effective state of the corps commanded by the noble Earl. Now, with respect to that corps, and to all others, he on the part of the Government disclaimed the intention of casting any reflection on them. He disclaimed the idea of insinuating or saying that they had not performed their duty well, and that they would not, if called upon, perform it again in the same manner. This measure had been adopted solely on public grounds, with reference to the situation of particular parts of the country, and because the services of those corps were no longer required where they were formerly necessary. The noble Earl had intimated that this was a boon to the Radicals for the support given by them to her Majesty's Government. If so, it was a boon without consideration—a boon for nothing—a boon more ill-timed and less justified in point of policy, sense, or wisdom, than at any period since the formation of the present Government. With respect to other measures which the noble Earl supposed to be in the contemplation of the Government, he would not say whether such measures might not be required hereafter; but he would state, that the present measure was not connected with any such plans or intentions as the noble Earl had alluded to, but was adopted because existing circumstances rendered it necessary.

The Duke of *Wellington* was of opinion that much consideration was required before it was determined to reduce those corps. In the county of which he was Lord-lieutenant there were no less than eight single troops, each of which occasioned as much trouble as a regiment of 300 or 400 men. But he would say, that these eight single troops were just as useful in keeping the peace of the county as if they were eight regiments. As he was, he understood, to be saved that trouble in future, under the new plan, he would say, that he would undergo that or any other trouble rather than incur the risk attending the reduction of those corps, and the consequences that might perhaps arise from such a step. He should not have made a single observation on this occasion but for what had been said about a contemplated new organization of another force. Now, he would rather have the assistance of these yeomanry corps than that of a different force, although four times greater in number.

The Marquess of *Salisbury* eulogized the yeomanry for efficiency and zeal, and expressed his opinion that if the reduction had no other object than economy, the conduct of the Government was most paltry and impolitic. A troop had been established at Walthamstow when the noble Viscount, now at the head of her Majesty's Government, held the seals of the Home-office. Why, he wished to know, was that troop reduced ? He very much feared, that if they once did away with the yeomanry corps, they would never again be able to re-establish them, if necessity demanded their services. Those individuals were deeply interested in preserving the peace and protecting the property of the country; and if they were disbanded to effect the paltry saving of 10,000*l.* a-year, it would in the end be found one of the most impolitic and dangerous measures that was ever resorted to.

The Earl of *Haddington* said, that there were some parts of the country where the services of the yeomanry ought not to be dispensed with. It would be wrong, for instance, to disband the yeomanry of the county of Edinburgh (consisting of eight troops), where there was a large population, that of the city of Edinburgh, and the town of Leith, and very few regular troops. In 1819, when riots occurred in Glasgow, that corps marched there, and were of great service in restoring peace and order. Now if that body of yeomanry were disbanded, and any sudden outbreak took place in a large district, with a great number of towns, and very few soldiers indeed, they would be deprived of a certain source of security. He knew not whether, in adopting this plan, Ministers were cultivating a good understanding with another party. The noble Viscount said, that such a proceeding would be most unwise and improvident, as the party alluded to had given nothing in return. Certainly, he believed, Ministers in general made a bargain with that party, and took care to have a return of some kind or other; and he did not think it was likely that they would adopt a different course now, and not secure something of the sort.

The Earl of *Brecknock* bore testimony to the statement of the noble Earl relative to the efficiency of the yeomanry corps of the county of Kent.

Conversation dropped

AMENDMENT OF THE SLAVERY ACT.] The Order of the Day for the Second Reading having been read,

Lord *Glenelg* rose to move the Second Reading of the Bill for the Amendment of the Act for the Abolition of Slavery. He was fully aware of the great importance of the subject which he was about to present to their Lordships, and he should be still more deeply impressed with this consideration, and he should feel himself called upon to trespass longer upon their Lordships' attention than he now thought necessary, if he did not recollect that this great question had lately been brought before the House in the most eloquent and forcible manner, and that, on the same occasion, he (Lord Glenelg) had taken the opportunity to state the grounds on which the Government intended to introduce a measure perceiving that it was the general impression of the House that the period had arrived when some Parliamentary enactment on the subject was necessary. In the year 1833 that memorable Act was passed which abolished slavery in our West-India Colonies. That Act, however, established an intermediate period between slavery and unrestricted freedom, which was intended to secure to both parties connected with the system certain rights and privileges. The intention of the Act was on the one hand to secure to the planter the amount of work from his labourer specified by law, and on the other to take care that the apprenticed labourer during that intermediate period should not be forced to give any labour beyond the amount prescribed by law. The Act further contemplated, as to the apprentice, that he should be secured as to his maintenance and subsistence; that he should be able at all times to purchase his freedom according to a just valuation; that he should be protected from gross oppression and cruelty; and in order to obtain these ends, the Act established a particular class of magistrates, for the express purpose of affording protection to the apprenticed labourers in our colonies, not allowing them to undergo any punishment except by the authority of such magistrates. The great question therefore was, whether the intention of the Act of 1833—whether the intention of this nation and the Imperial Parliament—had been fulfilled? During the first year after that great event the experiment was allowed to proceed without any interference on the part of Parliament. In the year 1836 a Committee of the House of Commons was appointed to inquire into the working of the system. That Committee made a very valuable report, and stated certain particulars in which improvements were necessary. In the year 1837 the same Committee was renewed, but it had made no report, and the evidence had not been printed. During these two years, however, it might have been expected that some advancement would have been made by the Local Legislature towards fulfilling the recommendations of the Committee of 1836. Unfortunately that had not been the case, and Ministers were therefore, reduced to the necessity of inquiring whether it was not in the wisdom—it was certainly in the competency—of Parliament to interpose, in order to supply such defects as time and experience had shown to result from the working of the system established in 1833 — in order to supply such remedies as the Local Legislature might have supplied, and he would venture to say they ought to have supplied, but which, at the same time, it was no less the duty of this country, and the Parliament of this country, in compliance with the wish of the nation, to supply. The Committee of 1836, in investigating the subject, directed their peculiar attention to the island of Jamaica—our most important colony in that part of the world, both from the number of its inhabitants, and its position in the West Antilles; and, therefore, any observations which were applicable to Jamaica no doubt would apply with some slight variation to the rest. He should first call their Lordships' attention to the objects which that Committee pointed out in the working of the apprenticeship system. That Committee, inquiring into the whole of the subject, expressed its opinion to be, that there were certain material defects, for which it confidently looked for redress to the Legislature of Jamaica. It was not unimportant to observe that this related to what the Committee recommended to the attention of the Local Legislature; but which it now became the duty of the Imperial Parliament to undertake. The Committee stated, that it did not advert to mere circumstances, or comparatively petty grievances; but it looked to those grievances which involved a great principle and important consequences. The first defect which the Committee pointed out as existing in the laws of Jamaica was the want of reciprocity in the amount and application of the penalties inflicted by the authority of the special magistrates on the managers of slaves. This evil was pointed out by Lord Stanley at the very commencement of the working of the system. The next, the observation of the Committee was directed to the defective constitution of the tribunals before which the apprentice had to appear to purchase his freedom. The Committee stated, that in this respect there appeared to be no guard against excessive valuations. This was a great hardship, and entirely opposed to the spirit of the Abolition Act. It had therefore, been made the subject of a correspondence between the Secretary of

State and the Governor of the colony, but as yet no remedy had been supplied. It was admitted, that the valuation had been raised to too great a height, and that great difficulty was presented to the slave obtaining manumission by the means which the tribunal, as at present constituted, afforded for bringing into operation the peculiar opinions of certain classes. For instance, in Jamaica, as well as in nearly all the other colonies, the tribunal was composed of a stipendiary magistrate, who was appointed for the especial protection of the slaves, and two of the magistrates of the colony. Now let it be understood that in making the statement he did not mean for a moment to imply that any of that highly respectable body, the magistrates of the colony, were capable intentionally of altering the valuation; but unquestionably the situation in which they were placed—the habits and feelings which in that situation they must have contracted—were highly calculated to give them some degree of bias on this question, or at least to raise a suspicion that such a bias existed. Nor did he mean to say, that in every case of contention between the apprentice and his employer the valuation had been excessive; but it was certain that in many instances it had been raised so high that the apprentice was unable to obtain manumission. That subject had been brought by his noble Friend (the Marquess of Sligo) near him under the notice of the House of Assembly; and the reply of the Assembly was, that they did not concur in the opinion that the valuation had been excessive, but that, on the contrary, they believed that those valuations had generally been below the proper mark. The matter had again been brought under the consideration of the Colonial Assembly by the present Governor, Sir Lionel Smith, but no remedy had yet been supplied. The next defect which the Committee had remarked was, the want of adequate protection to the special magistrates against vexatious prosecutions and actions. The Committee justly observed, that it was of extreme importance to afford every protection to the special magistrates in the performance of their duties; and it stated, that the special magistrates while performing those duties had been obstructed, because either the law was not sufficient to interfere in cases in which they had attempted to inquire into the working of the system, and ascertain the real situation of the apprentices, and to communicate with the various gangs of men and women while at their work, and also to examine into the workhouses, hospitals, or prisons; or from the obstacles thrown in their way by adverse parties. Some of the special magistrates had been exposed to vexatious prosecutions, and subjected to heavy costs. In those, although the Government had interposed, and rescued the magistrates from any loss, yet that was not a situation in which those persons ought to be left, and the Committee strongly urged, that some measure should be taken to secure to those magistrates impunity from such vexatious prosecutions. But the evil was not so much that arising from the actual number of these prosecutions as the dread of having such prosecutions suspended over them, which was calculated to create in the minds of the special magistrates a feeling that might operate against a bold and uncompromising discharge of their duty. He meant not, in making these remarks, to intimate the slightest reflection on the magistrates, but their Lordships must take human nature as it was, and consider whether the state of the law supplied motives to persons in authority for vigorous action or otherwise. It appeared from the papers before their Lordships that, even without approaching so far as the institution of vexatious prosecutions, the special magistrates were often interfered with in the discharge of their various duties. Obstructions were thrown in their way while passing from one estate to another, being frequently compelled by the magistrates and other persons of the colony to seek a circuitous route in order to visit estates adjoining each other. In short, it was easy to perceive, that where any intention existed to annoy the special magistrates there were vast opportunities afforded for presenting such obstructions. It might be observed, however, on this, as on every other defect pointed out by the Committee, that—which had been stated by Sir Lionel Smith, and indeed ought always to be kept in mind,—these evils in their practical effect were not of universal extent. There were many many honourable men, men of great integrity and real humanity, who were entirely aloof from offering any such vexatious obstructions; but, nevertheless, the opportunity was afforded, and it often occurred that there were persons who would take advantage of them, and of the law as it at present stood; and this might hereafter occur to a greater extent. The evil of obstructions to the special magistrates still existed. The next defect which the Committee pointed out was, that the law in Jamaica contained no provision to regulate the distribution of the hours of labour. The question respecting the hours of labour was the dispute between the eight-hour and the nine-hour system, the question being whether the apprentice should work eight hours or nine hours a-day, the total amount of the hours which he must work being fixed by an an Act of Parliament at 45½ hours a week. There was no doubt it was far more agreeable to, and much more to the advantage of the apprentice, that the nine-hour system should be adopted, because it would enable him to devote a greater portion of his time to the cultivation of his own land; the difference between the extra hour a day giving to the apprentice half of Friday and the whole of Saturday and Sunday to himself, whereas, by working only eight hours a day he was, in effect, deprived of any time that could be employed for his own advantage. It appeared by the documents on their Lordships' table that the want of fixedness of the number of hours at which the apprentice should work each day was one of the most important defects of the existing system, and that this defective system was in operation not universally, but to a considerable extent throughout the West Indies, but particularly in the island of Jamaica, where, it was to be observed, that those estates upon which disturbance and discontent prevailed, were generally estates in which the eight-hour system was enforced by the planters, in contradiction to the general wish of the apprentices. Now, the eight-hour system was also recommended to the Legislative Assembly of Jamaica for their consideration by his noble Friend (the Marquess of Sligo), and it had been once more recommended to that Assembly by Sir Lionel Smith. Sir Lionel Smith recommended that the Assembly should make regulations for establishing an uniformity of system as to time throughout the colony, and that that system should be a nine-hour system. That measure, however, the Assembly had not yet thought proper to adopt. He might be allowed to read for a moment what was stated in one of the latest accounts from Sir Lionel Smith. It was dated November 13th 1837. He said; "As regards the general working of the apprenticeship, we are at present considerably disturbed in some districts by certain obstinate planters and managers, who will not give up the eight-hour system of labour, and the struggle I have long maintained has now in some parishes broken out in open opposition by planters, and in some instances to open resistance by the apprentices." Sir Lionel Smith then stated two or three instances in which a most violent resistance was raised to the eight-hour system. He (Lord Glenelg) thought, both from the letter of Sir Lionel Smith, and from later reports of the special magistrates, that the adherence to the eight-hour system was materially injurious to the situation of the apprentices, and tended to keep up feelings of animosity between them and their employers to the greatest possible extent. In connection with this subject, namely, the eight-hour system—the Committee adverted, though not at great length to the subject of allowances to negroes, and to those indulgences which they enjoyed during a state of slavery. The Committee expressed their regret that these allowances and indulgencies which it had been usual for the planters to give to their slaves had, in many instances, been withheld from the apprentices. This was one of the greatest evils which at the present moment pressed upon the apprentice labourers. This, too, had been a subject brought more than once before the House of Assembly in Jamaica. In the time of slavery there were constant indulgencies—a remission of labour to persons who were infirm and aged; indulgences to mothers having a great number of children, and who were allowed to attend their children in sickness; the sick were allowed cooks and persons to bring them dinners. These were some of the most material of the allowances. In a majority of the cases, he believed that they were not withdrawn, but in many instances they were, and the effect was most serious to the comforts of the apprentices. This subject had been long addressed to the attention of the Assembly. Indeed, the Abolition Act did contemplate this very case of indulgences; but then it only provided that all such indulgences, allowances, and supplies, which the negroes had been entitled to in a state of slavery by law, should be continued to them; but it happened that, besides those indulgences to which the slaves were entitled by law, they were in the habit of receiving on many estates various indulgences which materially affected their comfort, health, and strength. These, unfortunately, being indulgences by custom were not included in the provisions of the Abolition Act. The consequence had been, that, in many instances since the passing of that Act, those customary allowances had been withheld; and mothers who attended their sick children were obliged to work extra hours to make up for the time lost while in the discharge of such parental duties; aged persons were now compelled to work in the fields who were formerly exempt from such employment. Sir Lionel Smith, in one of his dispatches, strongly expressed his feelings upon this subject. In a dispatch, dated the 23rd of September, 1837, he said:—"Your Lordship's dispatch first refers to the withdrawal of cooks and water carriers, as reported by Mr. Special Justice Hamilton. There can hardly be a greater grievance to the negro, or one more impolitic as regards the interests of the master. The hour and a half allowed for breakfast ceases to be a period of rest, for they must seek fuel and cook their morning meal, after which little time is left to take their food. The depriving them of water-carriers is still more injurious; for if water is not brought to the people at their work, in their rows, they are not permitted to quit the rows to seek it, and are thus exposed to the agonies of thirst under a burning sun." Another grievance was that already alluded to by his noble Friend—namely, the non-allowance of the time occupied by the apprentices in going to and coming from their work. It often happened that an apprenticed labourer had to go five or six miles to his work; arrangements were often made, in which the planters excluded the time, out of the eight or nine working hours, occupied in walking those six miles out and in; so that, in addition to the nine hours, the apprentice lost all that time, and of course no time was left to him to cultivate his own ground. That was one of the grievances which was also pressed on the attention of the Assembly, and which certainly demanded the attention of the Imperial Legislature at home. Another grievance to which the Committee referred was, that corporal punishments were inflicted on female apprentices. They observed that this subject had engaged the close attention both of the local government of Jamaica, and the Government of this country, and that measures had already been taken to prevent the violation of that most important part of the Abolition Act. Corporal punishment of females was expressly forbidden by the Abolition Act; but in spite of that prohibition it was clear from the reports made by his noble Friend, the Marquess of Sligo, and from subsequent reports, that the corporal punishment of females was carried on to a great extent. He would not enter into the details of the case, narrated in the documents before their Lordships—he meant the examinations as to the truth of the charges in the case of James Williams. A person had published a pamphlet in this country, setting forth the miseries of the workhouses, to which apprentices were very often sent for faults committed as apprentices, although, as apprentices they were not subject to corporal punishment: but when they were in the workhouse they were no longer under the general law of the country, but under the local laws by which each workhouse was regulated, and were subject to all the punishments which those local laws enacted. The consequence was, that the special magistrates ceased to have any authority over them. In the narrative of the apprentice James Williams, it was stated, that the practice of flogging females had been carried to a dreadful extent. It was quite unnecessary for him to distress their Lordships' feelings by reading any part of that most appalling narrative. The conclusion to which it irresistibly led, was, that every effort to put a stop to the practice of flogging females had failed. These were the several defects pointed out by the Committee as calling for redress, and they expressed their confidence that the local legislatures would adopt measures for redressing those grievances. Many attempts had been made by the colonial department and the local government to induce the local legislatures to redress these grievances, and their Lordships would, perhaps, permit him to read a short extract from a despatch which he addressed to Sir Lionel Smith on the 15th of November, 1837, and in which he recapitulated the various applications which had been made to the House of Assembly for the purpose of redressing some of the grievances complained of, and in order to carry out the intentions of the Imperial Parliament. Sir Lionel Smith had informed him that during the last Session of the Assembly he had proposed measures of redress of the principal grievances complained of. In reference to that subject, he (Lord Glenelg) enumerated the various applications which had already been made to the Assembly :—

> "In my dispatch, No. 84, of the 29th of August, 1835, I urged an amendment of the law by which the ill-treatment of women in gaols might be prevented. In my despatch, No. 125, of the 15th October, 1835, I desired that the Assembly should be reminded of the pressing importance of enactments to secure the attendance of the children of apprentices at schools. In my dispatch, No. 257, of the 24th of April, 1836, I seconded the wishes of the Marquess of Sligo for laws to restrain cruelty in hospitals, and to authorise the inspection of them by special justices at all hours. A Committee of the Assembly alleged, it is true, that the right to inspect was not disputed; but I find by the dispatches now before me, that the attendance and proper treatment of the sick is not yet secured by law, although defects of the law on this head were pointed to by Lord Stanley at the very beginning of the apprenticeship, in his dispatch of the 20th of February, 1834, No. 3. In my dispatch No. 285, of the 14th of June, 1836, I desired that the Assembly should be applied to for a law to restrain the powers of officers in workhouses to the infliction of such punishments only as should have been authorised in writing by a magistrate. In my dispatch, No. 303, of the 28th of June, 1836, I directed application to be made to the Assembly for a law to prevent the flogging of women on the tread-mill In my dispatches, Nos. 87 and 103, of the 29th of April and 10th of June, 1837, I had to regret the refusal of the Assembly to entertain the various proposals which you had brought before them, for supplying deficiencies in the Abolition Act, and for the obtaining uniformity in the distribution of the hours of labour; and in my dispatch No. 176, of the 31st of last month, I was under the necessity of issuing such instructions as had become necessary, in consequence of the Assembly having failed to adopt the recommendation of the Committee of the House of Commons in the Session of 1836, respecting amendments in the law which governs the valuation of apprentices for the purchase of their discharge. In my despatch No. 99, of the 25th of May, of this year, I desired that the Assembly should be called on to exempt the apprentices from the operation of certain enactments respecting vagrants."

At the opening of the Session, Sir Lionel Smith brought many important propositions before the House of Assembly. He recommended to them in very strong language the enactment of laws by which the indulgences to which the apprentices had been accustomed in the time of slavery should be continued. He adverted to the case of the mother being required to give extra labour on account of her attending her sick children; and he particularly adverted to the time taken up by the apprentices going to and from their work. He also pressed upon the Assembly the necessity of providing for the distribution of the hours of labour, and he further urged upon their consideration the system of appraisement of apprentices who might wish to purchase their manumission. In the dispatch from which he had just read, he expressed his satisfaction at Sir Lionel Smith having made these recommendations to the Assembly, and a hope that the Assembly would take them into consideration; and he informed Sir Lionel Smith that he should wait the result of his (Sir Lionel Smith's) application to the Assembly before taking any further measures. In the month of January last he received a dispatch from Sir Lionel Smith, dated the 24th of November, 1837, in which he stated, that he had made a proposition to the House of Assembly, and that the House had referred the proposition to a Select Committee, but upon which the Committee had made no report at the period Sir Lionel Smith wrote his dispatch. In that dispatch Sir Lionel Smith stated,

> "Referring your Lordship to the message which I early sent to the present House of Assembly in view to the correction of certain clauses of the Abolition Law bearing oppressively upon the apprentices, I am sorry to inform your Lordship that I have no hope left that they will correct the evils I exposed to them to insure more just laws for the remaining apprenticeship. Your Lordship will see that I cannot report officially on the subject, till I get the official answer, but I thought it desirable to give your Lordship the earliest information on what I am assured will be the fate of my anxious endeavours to have the laws ameliorated, that your Lordship may make up your mind, and instruct me for my further guidance, when the subject is brought before you in a more tangible shape."

The Assembly at the same time adjourned from that period to the 20th of February, thus, he conceived, at once fixing their intention not seriously to consider the subject; for having adjourned without having intimated the slightest intention of taking into consideration any one of those measures, the certain effect of it, if it were not the policy of that step, would be to defer the questions to a period when it would be impossible that any law passed in that colony could come under the consideration of the Imperial Parliament in time to take any effectual measure this session. It therefore became a matter of absolute necessity to call upon the Imperial Parliament to interpose, in order to supply such remedies as the Assembly had neglected to apply. The bill, the second reading of which he was now about to propose, was intended to carry out the objects of the Abolition Act, and to meet the principal defects pointed out by the Committee, and repair the omissions of which the Assembly had been guilty. He did not think it necessary at present to enter into a detail as to the measures proposed in the provisions of the bill; that was the duty of a Committee; but all the matters to which he had adverted—namely, the distribution of the time of labour; the inadequate protection of the special justices; the want of reciprocity in the terms between employers and apprentices; the discontinuance of the customary allowances; the time of going to and coming from work; and the corporal punishment of females—these formed the subjects of the provisions of the bill. He would only now speak of one or two of these points, confining himself to those to which reference was made the other night. With respect to the protection to be given to special justices, this was of a twofold nature, direct and indirect. He called it direct where the bill proposed to declare as well as to enact (for he believed the law at present to be what this bill would still make it; but in order to put an end to all disputes, the bill would enact as well as declare) that all those obstructions which were now opposed and interfered with the special magistrates in the discharge of their duties should be liable to be punished by a penalty. It would empower the special magistrates to visit the apprentices at their work, to enter houses and hospitals, and to observe the whole proceedings on any estate; to receive complaints from the apprenticed labourers, and to communicate with them personally in workhouses and houses of correction, either with other persons or alone. The bill would also protect the special magistrates from the intervention of any person disposed to obstruct them in their passing from one estate to another. Then, with respect to protecting them from vexatious prosecutions and actions, it had been first his intention to enact that whenever an action was brought against a special magistrate, it should be competent for the governor, with the advice of the law officers, to arrest the progress of any such legal proceeding; but he had since altered that part of the bill, and it was now proposed that such actions should be allowed to proceed, but that there should be an appeal to a Court of Error in the colony, and thence an appeal to the Queen in council at home. There were Courts of Error in all the legislative colonies, and those courts consisted of the governor and council. He could not state the actual number of the council in each colony. In Jamaica he thought there were nine members of the council. A certain number of them were termed official councillors, the others were called unofficial. The official councillors were the chief justice and the attorney-general, persons evidently removed from all suspicion of bias from personal interest in any question that might come before them; the bishop of the colony was equally so when present. In the ordinary course of proceeding a Court of Error judged only of the law and not of the fact. If the judge in the court below had committed no error in law the Court of Error had no jurisdiction over the case; because it was not able to judge of the conduct of a jury or the propriety of their verdict, inasmuch as no evidence was before it. The court could not, consequently, judge of or condemn any unrighteous verdict on the part of a jury. That was a great defect, the object being to obtain justice to the apprentices. For that purpose it was proposed in this bill that the evidence on the record and also the rejected evidence (if any) should be laid before the Court of Error, by which the court would be able to judge not only of the law but of the fact, and the finding of the jury. Of course the same course would be adopted with respect to an appeal to the Privy Council. It was also intended to remove all limitation as to the amount of money involved in any suit. At present an appeal could not be had where the sum in question was below a certain amount. This gave the party suing the power to fix the amount of his claim just below the minimum, and thereby deprive the opposite party of his right of appeal. That was removed by this bill. Since the bill had been drawn he had been told that although this part of the measure was sufficiently clear, so far as the colonies were concerned, yet as far as it related to the Privy Council the clause did not attain that object. All he could say was, that such was the object for which the bill was framed, and he should be ready to adopt any amendment in Committee in order to secure it. In making this proposition to their Lordships he was not unaware that many objections could be made to the proposal; and he should beg their Lordships to consider that it was really a matter of great difficulty how to deal with the subject. In details of this nature—and which were in some degree new—it was of course necessary that he should appeal to their Lordships' indulgence, and request the co-operation of any noble Lord who could suggest any other plan more likely to obtain the end they had in view. But if it were intended that the special magistrates should be protected by an appeal to a Court of Error, he did not know that any other words could be supplied than those which constituted the present clause. But on this and the other objects of the Bill, he must entreat their Lordships' to come to a consideration of the Bill in Committee with a sincere—he did not doubt their sincerity—but he meant with impartial and candid minds, to remedy the defects which existed, and to carry out the intentions of the Abolition Act. There were courts of error in all the Legislative colonies where there were juries; but there were no courts of error in the Crown colonies where there were no juries. Therefore he should propose with respect to Guiana, Trinidad, and the other Crown colonies (which would be done by an Order in Council), to give an appeal from the supreme court, which was composed of three judges sent out from this country, to the Privy Council, the limitation of the amount involved being removed, and the whole facts of the case being also brought before the Privy Council. With respect to the corporal punishment of females, that by this Bill was at once prohibited. It was provided that no female apprentices should be liable to suffer corporal punishment for any offence whatever; and with respect to all apprentices, men as well as women, they also, from the 1st of September, 1828, were to be exempt from corporal punishment as apprentices. It was also provided that for any gross act of cruelty or injustice exercised in any of these cases which he had enumerated it should be competent for the Governor to declare the apprentice to be immediately entitled to his or her unqualified freedom. The next subject was that of classification. Classification was provided for by the Abolition Act, and laws were passed in all the colonies for carrying out that part of the measure. Their Lordships' were aware that the apprentices were divided into two classes; the non-prædials, who were to be free in the month of August, 1838; and the prædials, who would obtain their freedom in the month of August, 1840. It was, therefore, of great importance that this classification should be clearly defined. But the laws which were passed in the colonies were in some respects obscure. He did not mean, that any objection was taken with respect to the tribunal appointed to ascertain the classification, but in several of the colonies a time was fixed by the law after which no revision could take place in the classification; in others, though there was no limitation of the time, yet there was great obscurity in the laws; at all events, during the last year, reports had been received from many of those islands which proved that a very general impression among the apprentices in those islands was, that the classification principle had not been carried into effect; it was, therefore, very important that some amendment should be introduced. For that purpose it was proposed to authorise the Governor to extend the time for revising the classification; and it was further provided that the decision of the persons appointed to conduct the revision should be final. Having thus briefly stated the general objects of the Bill, he begged once again to entreat their Lordships to give it their indulgent consideration, because the subject was really not only one of great importance, but also of great difficulty. The noble Lord concluded by moving that the Bill be now read a second time.

Lord *Brougham* rose merely for the purpose of stating that he by no means objected to the principle of the measure, nor, as far as he had looked into them, to the bulk of the details. No one could concur more heartily than he did in the proposition of the noble Lord (Glenelg), that the time had fully arrived at which it was incumbent upon the Parliament of this country to take this subject into its own hands. The conduct of the Legislature of Jamaica had been such as to convince everybody, even those who entertained the strongest repugnance, the most inveterate West-Indian aversion, to the interference of the Imperial Legislature in matters of local concern, that it was idle to look to the colonial assemblies for the fair execution of the Act of emancipation, and that unless that Act were intended to become a dead letter, it was necessary for the Parliament at home to arouse itself, and to take such measures as should compel the colonies to execute the law. Upon that point, therefore, he fully concurred with the noble Lord. He entirely agreed with the noble Lord also when he spoke of the great importance of the question; and, again, when he predicated the difficulty by which it was surrounded. He felt, indeed, that it would not only be difficult, but impossible, constantly and permanently, by any system of regulations that could be adopted, whether those devised by the noble Lord or those suggested by the noble Marquess (the Marquess of Sligo) behind him, to provide anything like an effectual cure for the evils which had sprung up. He looked to no remedy of a palliative nature with the slightest feeling of hope, in fact he could regard no proposition of that kind with any other feeling than one of absolute despair. There was one remedy, and but one alone—a remedy pointed out by the wise reflection of Mr. Burke, and confirmed by the still more eloquent and pointed expression in which Mr. Canning, also dealing with the same subject, clothed the same profound observation—the result of knowledge of the nature of man as well as of experience of the past—namely, that no laws could be trusted which were made to regulate slavery, because none of those laws ever did or ever could carry along with them an executory principle—that was to say, such a principle as would enable the laws to execute themselves. Nothing could be more obvious; for it was plain that all measures of this description must be executed by the whites with respect to the blacks—must be executed by a superior and predominant caste against, and over, and to the subjugation of, an inferior and servile class; and these two classes, thus separated from each other by the relation of master and apprentice, were also, unhappily, separated by the contrast of colour, diversity of habits, and difference of race. So that to think of procuring an impartial and an effectual administration of justice, by trusting the happiness, the comforts, and the rights of the one class exclusively in the hands of the other class, was about as hopeless a dream as ever a lawgiver indulged in. Expressing his strong conviction upon that point, he might perhaps be asked what remedy he would propose, and what executory principle he would introduce into any measure he might devise for the purpose of attaining the ends desired? His answer would be brief and plain. Free the blacks, emancipate the apprentices, abolish the intermediate or qualified state of slavery which was yet permitted to remain, and then an executory principle would be procured; for the negro would then have the staff in his own hands—would then be able to work out his own safety—would then be able to free himself from his master, to fill an independent station, and play an independent part. As soon as that was effected—as soon as the negro became his own master—as soon as no man could say to him "go, and he goeth; come, and he cometh"—as soon as he had no man to make him afraid, being himself as free and as independent as any man with whom he came in contact—as soon as that happy change was effected, everything would fall into its right place, and there would no longer remain a greater difficulty in having the laws well executed, or in securing the rights, the comforts, and the enjoyments of the inferior classes in the West Indies, than there was on the part of the peasantry of this country in procuring protection against the upper classes, of which all mixed societies must be partially composed. As far as the regulations contained in the present Bill were concerned, he saw, generally speaking, as far as they went, no objection to them. There was one, however, of a very important character, and to which he wished shortly to call the attention of the noble Lord, as well as the noble Marquess, (Sligo), with the view of having it re-considered and re-modelled. He alluded to the provisions contained in the 10th section of the Bill, by which it was proposed to introduce an entirely new principle into the jurisprudence of the empire, namely, a new proceeding in Courts of Error. It was impossible to exaggerate the mischiefs which resulted from the present practice in the Courts of Error, but he very much doubted whether the protection proposed in the 10th section of the present measure would be found of an efficient character; he doubted whether it would not tend to augment rather than to diminish the existing evil. That, therefore, would be a point for serious consideration in Committee. There was another provision of the Bill to which he also strongly objected. It was provided, that every thing which the judge took down upon his note should be made matter of record, against which there could be no averment, however inaccurately the note might have been taken. He could never assent to such a provision as that. Every one who had practised at the bar in England knew how common it was for a judge whose notes had been imperfectly taken to report a cause out of court. With what propriety, then, could it be proposed to convert the judge's note in Jamaica into a positive record against which there could be no averment whatever? If such changes in the law were to be effected at all, the utmost care would be required in the introduction of them into the colonies. It was to be remembered, that the forms of the English law did not fully obtain in all the colonies. In many of them there were no Courts of Error. See, then, the difficulty of introducing such a change into the old Dutch law which obtained in Guiana; or into the French law which remained in St. Lucie; or into the remnant of the old Spanish law which lingered in Trinidad. He thought that the introduction of this very delicate branch of our own law into those colonies whose laws were not purely English would be attended with insuperable difficulties. He had thrown out these loose observations with great candour and great goodwill towards a measure which he heartily hoped would succeed in effecting all the objects for which it was intended.

The Marquess of *Sligo* observed, that a great deal had been said at different times and by different parties with respect to the Bill which had been passed for the emancipation of the negroes. Many maintained, that it was wholly inefficient for the purpose for which it was intended, whilst others proclaimed aloud, that the nation had been humbugged and bamboozled. Even his noble and learned Friend (Lord Brougham) who had just escaped had more than once asserted, that the nation's money had been procured under false pretences. Experience, however, told him, that the noble Lord by whom the measure was introduced deserved the gratitude of every human being who felt an interest in the welfare of his fellow-creatures. If the measure had not succeeded to the full extent intended by those by whom it was introduced, the want of complete success was to be attributed, not to any defect of the Bill itself, but to the invincible obstinacy of the planters. Every one who had investigated the matter, or who professed any personal experience of the state of things in the colonies, was firmly convinced, that the time had fully arrived at which it was necessary to make an appeal to the British Parliament. He fully approved of the Bill now introduced as far as it went; but in some respects he thought it did not go far enough. He should, therefore, feel it his duty to move several amendments in Committee; but, with their Lordships' permission, he would place those amendments upon the table, and move that they be printed, so that each of their Lordships might have an opportunity of considering them before they were moved in the Committee.

The Duke of *Wellington* said, that there was no man either in that House or in the country who had been more anxious than himself that the measure for the emancipation of the negroes should be entirely successful. He had, however, conceived from the first, that the only chance of success for it would arise from the local legislatures of the colonies endeavouring with good faith to carry into full execution the measure imposed by the Imperial Parliament of Great Britain, and for which the colonies had received an amount of compensation which he supposed even they themselves must consider ample. It appeared, however, that they had not carried the law into execution in the way they ought to have done. Some two or three years ago, the British Parliament was under the absolute necessity of consenting to a measure, the passing of which was rendered imperative in consequence of the refusal of the Legislature of Jamaica (under circumstances not very creditable to itself) to enact a law which it had promised positively to adopt. Under these circumstances, considering that they were now approaching to within a couple of years of the period when a new state of society was to be established in all the British possessions where slavery had ever existed, he must say he thought Parliament ought not to hesitate about adopting some measure of the description now proposed for the purpose of carrying into full and complete execution the object which the Imperial Legislature had in view when the Emancipation Act was passed. It appeared to him that if the legislatures of the colonies had acted as sensible men ought, in the circumstances in which they were placed four years ago, they would have had before them, and the British Parliament would have had before it, a very different prospect from that which he feared existed at the present moment. He said, "he feared," because he was anxious not to aggravate the difficulty of the position in which the colonists had thrown themselves by any exaggerated statement either of their conduct or of the consequences which that conduct had produced. He did not say, that he entirely approved of the bill now proposed; some of its enactments he thought were decidedly objectionable. But he did approve of a measure of this description being brought under their Lordships' consideration. He was glad, therefore, that their Lordships had consented to read it a second time, and to go into Committee upon it, when it might be seen how far it was necessary that each of its enactments should be carried into execution, and how far they might be improved by the amendments of which the noble Marquess (the Marquess of Sligo) had given notice. What he (the Duke of Wellington) complained of principally was this, that the two houses of Parliament should be under the necessity of adopting a measure of this description. He thought that the colonies had behaved exceedingly ill in obliging Parliament to take such measures as this into consideration, for there were some enactments in the bill then under their consideration which it was a shame for any legislature to enact in respect to any body of persons whatever. But as the colonial legislatures had wholly neglected, or carefully evaded the taking of the necessary measures, it became the imperative duty of the British Parliament to interfere, and to take such steps as might be required to compel an obedience to the provisions of the Emancipation Act. The noble and learned Lord, (Brougham) whom he did not then see in his place, had stated his intention of moving an amendment to the bill, namely, that the apprenticeship of the negroes should cease on the 1st of August, 1838. He (the Duke of Wellington) did not mean to give any opinion upon that question now; but it certainly would be desirable that the noble and learned Lord should take some opportunity, previous to their going into Committee on the bill, of stating in what form he intended to bring his motion under the consideration of the House.

The Earl of *Ripon* had entertained great expectations that the planters would have rendered any further legislative interference by the Imperial Parliament unnecessary. He regretted exceedingly that those expectations were disappointed, and that Parliament was obliged to take some such measure as that proposed by the noble Lord. He did not, however, believe, that the blame was equally applicable to all the islands. In Barbadoes, for instance, the House of Assembly had agreed to regulations much more in harmony with the wishes of the Imperial Legislature; and he should not be sorry if the efficiency of the bill would not be thereby impaired, to see that and the other colonies to which he had alluded taken out of the operation of the measure. He had given the whole of the West-India question the best consideration which he had been able to give it, and the result was—he might be too sanguine—that in his opinion there was good reason to hope, if not to believe, that when the period of emancipation arrived, the negroes would conduct themselves as well as any other class of freemen under similar circumstances. He grounded this expectation upon the great improvement which had taken place in their character, and in their religious and moral feelings since the passing of the Act of 1833. He had received letters on the subject from the Bishop of Jamaica, from the Bishop of Barbadoes, and from other persons of eminence and credit; and they all, particularly the two bishops, bore testimony to the improved character of the negro population. Among other instances of their advance to civilization, one of the most striking was, that they had become sensible of the obligation of an oath. This was the more gratifying, as one of the great objections made to emancipation before the passing of the act was, that it was impossible to rely on slave evidence, for that the negroes were perfectly incapable of distinguishing between truth and falsehood. He, therefore, considered their having acquired this faculty an indication of their great and he hoped rapid improvement.

Bill read a second time.

HOUSE OF COMMONS,

Tuesday, March 13, 1838.

MINUTES] Bill. Read a second time:—Dissenters Declaration.

Petitions presented. By Mr. GRIMSDITCH, from Macclesfield, by Mr. C. LUSHINGTON, from two places in Suffolk, and by Mr. GILLON, from Kilmarnock, and Auchtermuchtie, for the abolition of Negro Apprenticeship.—By Mr. C. LUSHINGTON, from the Members of the Secession Presbyterian Church of Stirling and Falkirk, against fresh grants to the Scotch Church.—By Mr. WILBERFORCE, from Hull, for Foreign Corn to be ground into Flour.—By Sir EDMUND S. HAYES, from a place in Ireland, for a system of National Education.—By Sir W. SOMERVILLE, from Canterbury, against the Municipal Boundaries Bill.—By Mr. GILLON, from Kilmarnock, for the abolition of the Corn-laws.—By Mr. CRAWFORD, from Merchants, Shipowners, and others in the city of London, to be relieved from the Monopoly of the Coal Trade.—By Sir W. SOMERVILLE, from Canterbury, for the abolition of the duty on Soap.—By Sir ROBERT BATESON, from the Clergy of the Diocese of Down, against the system of National Education in Ireland.

BRITISH LEGION IN SPAIN.] Sir *G. De Lacy Evans* said, it was with great reluctance that he rose to call the attention of the House to the subject of which he had given notice, as it was in some degree of a personal nature. He had hoped that he should not have been obliged himself to bring this subject before the House, because during his absence it appeared to have been frequently discussed by hon. Members on the opposite side of the House, and therefore he had anticipated that on his return they would have afforded him an opportunity of addressing himself to this subject in reply to some statement or motion that might be brought forward by some hon. Member opposite in his presence, as statements and observations on this subject had not been spared during his absence. He had no doubt, however, that the reason for hon. Gentlemen opposite not proceeding with any such motion was, the triumphant result of the debate and division on this subject which took place in the month of April last year. That, he had no doubt, was the ground on which many hon. Gentlemen opposite had recently preserved a careful silence. Before he proceeded further on the subject, he begged to say, that, deeply interested as he was in this matter, yet that, knowing as he did, his own imperfections as a speaker, he intended to be as brief as possible. It was his wish to avoid unnecessary discussion and repetitions, his object being merely to have an opportunity of meeting the charges which had been urged. Whatever difficulties he otherwise might have had to encounter had been augmented by the course which had been taken by his opponents. There was also another party in the House against which he had some grounds of complaint; and the hon. Members to whom he alluded were those with whom he more generally concurred in political opinions, and with whom he had been more in the habit of acting. One of those hon. Members, he had had even some reason to think, in the first instance, intended to give the expedition the benefit of his powerful personal assistance. If that had been the case, it appeared that the hon. Baronet had changed his mind. But if the hon. Baronet had thus decided not to draw his sword in the cause, he might, at all events, have hoped the hon. Baronet would not have drawn his pen against it, which, however, the hon. Baronet or some one else had done in the hon. Baronet's publication, the *London Review*. He could not avoid complaining, that in those attacks he had been most unfairly dealt with, not only by Gentlemen at the opposite side, who were influenced by party motives, but by those who, not having similar considerations to influence them, ought rather to have been disposed to render him, if not support, at least justice. The object which he had in view by the present proceeding was, to show, as much as he possibly could, that the statements which had been made in that House and elsewhere with respect to the force under his command, were either wholly unfounded or grossly exaggerated, or merely the ordinary occurrences incident to all armies. He did not mean to say, that these unfounded statements had been intentionally put forth from any improper or personal feeling, but from the habits and feelings of those who had quoted them, they had been induced to give more weight to them than they would in ordinary occurrences. Many of these statements, then, were gross exaggerations of the real facts, and others of them were the common casualties to which every army was exposed. He should, he hoped, be able to prove to the satisfaction of the House, that these troops, so far from being liable to censure, had faithfully and zealously discharged their duty, and that, too, under the most adverse circumstances. He had had nothing to do with the original raising of the corps, and he had taken the command of it in consequence of the communications that had passed between himself and General Alava, then minister of Spain in this country. At that time, a short debate took place on the subject, and he would briefly allude to one or two statements which were then made. An observation then made was, that the rank and experience of the individual chosen to command the Legion was not sufficient. His answer was, that he was not so much in love with this enterprise but that he was ready to surrender the command to any other officer of greater experience and abilities than himself; for although he was not aware of all the difficulties with which he should have to contend, he knew they would be great, but he had always stated, that he should not have had any insuperable objections to yield the command to any other officer. Another circumstance occurred at the time, which had been adverted to more than once since, and which at the time was thrown out by the noble Lord, the Member for Hertford (Lord Mahon). That noble Lord then referred to the Legion as an army of mercenaries, and as a revival of the system of *Condottieri.* He had no objection to the use of these terms, and he stated his opinion frankly at the moment. He was not accused of being actuated by these motives himself, but the imputation was thrown out against the officers and men under his command, and he could not refrain from noticing it, although it was one of those technical objections which he should not dwell upon. He was not acquainted with instances of civil or military officers serving a government without emolument, and he certainly did not feel offended, therefore, at being situated in that respect as all other functionaries were. He believed that in the case of soldiers employed in the service of free states, and even when troops were fighting in a revolutionary cause, although the entire mind and feelings of the people were with that cause, still it was necessary for the sake of discipline and for the organization of a military force, that they should receive pay. Indeed, the very name of soldier implied the receiving pay. However, if the practice was, as had been stated, improper and unchristian, he must be content to be in the same situation as many of the most distinguished men in different periods of the history of this country, among whom he could mention the names of Sir Philip Sidney, the Marquess of Hamilton, Lord Clare, and the Duke of Marlborough, and in our own times, Lord Beresford, and even the right hon. and gallant Officer opposite. All these individuals had received commissions from foreign powers, and fought under foreign standards, and if he were a mercenary so were they. He did not believe that anything seriously wrong was meant to be imputed to those distinguished officers by the use of such an epithet. He knew of no difference, upon a question like the present, between the auxiliary force under him and the force under the officer, commanding the Portuguese army in the Peninsular war. There was one difference, it was true, namely, that that officer had received a larger rate of pay. He believed that there was no instance on record of a body of troops sent from the shores of this country having been so much followed by the spirit of persecution and aspersion as that which followed the British legion. The force had not been in Spain more than a month when, for the purpose of adding to the difficulties it had to contend against, some of the public prints in this country began to draw comparisons between these raw recruits and the great and illustrious commander who had formerly performed such glorious deeds of arms on the same soil. He could not but complain of this comparison as a great injustice towards the Legion. It would have been a great injustice towards them to compare them with so great an army, even had they been well trained, which, however, he was quite ready to admit to have been far from the case. Nearly all the persons constituting the force, officers as well as men, were utterly inexperienced in military service, and the only wonder was, that considering the materials of which it was composed, the Legion had distinguished itself as it had done. To compare them with the great Peninsular army, however, was the acme of injustice. Some time after the arrival of the troops in Spain, during the severe struggle attending the raising of the blockade of Bilbao, he directed a movement to be made towards Hernani; not, however, with the intention of taking it. A slight action happened on this occasion with the Carlists, respecting which circumstances were stated in England which evinced a total ignorance of the facts. The affair was represented as a brilliant victory on the part of the Carlists, and the Legion were reported to have acted with the utmost cruelty. It would seem, or was asserted that four or five men had been put to death by the Carlists, and that some of the Christino Spanish troops put to death four or five of the Carlists; but whatever the transaction was, at all events the Legion, to his knowledge, had nothing to do with it. It was determined by the Spanish Government that the number of the Legion should not extend to 10,000, and accordingly the force engaged was 8,000 men, whose numbers were to have been afterwards augmented by a battalion of Portuguese Caçadores. A great portion of these 8,000 men had, on their arrival in Spain, and even for some time after, received but the most elementary and imperfect instruction. Nor were the discouragements which the Legion had had to contend against merely of a physical nature. These disarrangements had been greatly augmented by one or two circumstances which took place before the Legion left England. One of these circumstances was the notice given by the Duke of Wellington of a motion on the subject in the other House. That noble Duke he would most readily admit always acted with the utmost forbearance and generosity when he alluded to anything connected with military affairs, and he was bound to offer his warm acknowledgments to that noble Duke for the generosity and forbearance which he had exhibited in reference to this subject throughout its whole progress; but, at the same time, he could not avoid remarking that the notice which the noble Duke had given on the subject was a circumstance which had a very unfavourable effect upon the prospects of the Legion. True, the notice in question was never acted upon, but it notwithstanding had this effect, that whereas previous to that notice a great number of officers—a greater number than he had expected—had stated their readiness to join the force, many of these, after the notice was given, declined to proceed to Spain, in consequence of the impression generally made by the tenour of the notice, that the Duke of Wellington was unfavourable to the expedition. Another circumstance that created an impression unfavourable to the enterprise was an impression that the nobleman at the head of the British army was opposed to the expedition. He could only say in passing that in any interviews which he had had with that noble Lord on the subject he had experienced from him the utmost politeness and consideration. But an impression did go abroad, first here and afterwards throughout the country, which prevented that degree of confidence which ought to have existed in the head of the army, and which he thought had had the effect of deterring many excellent officers from subsequently joining the Legion. Those circumstances necessarily added to the other difficulties he had mentioned, and which had operated as a moral obstacle to the efficiency of the force, more than any of those physical difficulties which had been so frequently noticed in that House. The duration of the service of the Legion was appointed to be two years, but, deducting six months for recruiting, and the points of assembling in Spain, the real period of active service was thus prevented from extending over more than eighteen months. The Legion was four months at Vittoria. In reference to the affair which occurred there, the noble Lord opposite had sneeringly described it as the second battle of Vittoria. The sneer conveyed in that expression was most uncalled for and unwarranted, and he thought he had a good right to complain of it. It was most unjust to institute so invidious a comparison between the 4,000 or 5,000 raw troops engaged on the late occasion and the brilliant achievements of a great and well-disciplined army. On the late occasion the troops on both sides retired to their positions. He could tell the noble Lord that he was misinformed, and that, in point of fact, the Legion lost neither artillery nor baggage. Imputations had been cast on General Cordova for alleged misconduct on this occasion; but so far from there being any grounds for supposing that he acted with treachery towards the British auxiliary troops, he (Sir G. Evans) must, in candour to that gallant Officer, say, that there was no foundation whatever for the accusations which had been made against him in the public prints and other quarters. On the contrary, as soon as he determined to retire he sent an aid-de-camp to him (Sir G. Evans); but owing to a portion of the enemy occupying the wood through which he had to pass he was obliged to make a detour, and, therefore, could not reach his position until the next day. He was happy to say, that General Cordova was wholly blameless, and that no imputation could rest puon him for his conduct in that instance. He knew not whether there was any difference between his political views and those of General Cordova, neither had he ever been at the trouble of making any inquiry on such a point; but of this he was convinced, that, in respect of the transaction which led to the accusations, the conduct of General Cordova was as honourable and as faithful to his Sovereign as that of any man could be, and that he performed his duty to the best of his abilities. He would now advert to the statement made with regard to the sickness at Vittoria. That the sickness was great he did not deny, but he did not think it was such as to justify the obloquy which had been cast upon those in charge of the Legion. He believed that the object of the parties who had made those complaints was not so much to impute improper conduct to the officers of the Legion as to throw discredit on the Spanish Government. He might be wrong, but that was his opinion. Now the number of the British Auxiliary Legion who had perished had been differently stated. By some it was said to consist of 15,000 men, and by others 12,000, but it had seldom been estimated under 10,000. It had been stated, that 12,000 of the Legion had perished either in action or from sickness and disease, and that their bones lay bleaching on the hills. The number had never been stated at less than 4,000 or 5,000. He knew that statements of this kind were always loosely made. The whole force of the Legion amounted to about 8,000 men, but having been reinforced by the recruits subsequently sent out at different periods he might state it at 9,600. It afterwards became necessary to institute an inquiry as to the number who were fit for actual service, and this examination was undertaken by a medical board, at the head of which was a medical officer of much experience, who had served during the Peninsular war. The report made by that board was got up with great care, and it would appear that when they marched from Bilboa the whole of the infantry of the Legion, with the exception of about 100 men, was composed either of very young men, or of men who were too old for service. There were 2,300 so crippled, either from disease or other causes, as to be incapable of bearing arms, and the reason why they were allowed to remain with the Legion was because there was no means of transport for them home. The system of recruiting adopted by the agents of the Spanish Government was bad, and hence it was, that they had so many men who were so tainted with disease or disability as to be nearly wholly useless. This fact was important, as it had a strong bearing on the sickness which afterwards took place. At least two-thirds of those men died in the hospital without having done even a single day's duty; and that fact showed how the numerical strength of the Legion was swelled by parties being included in the returns who never ought to have been taken into account. The effective force of the Legion did not exceed 4,700. The whole number of the men who perished in Vittoria, and its environs, in six months, was 1,223, and the total loss in the two years, including the killed and those who died of their wounds or from disease, amounted to about 2,078. This was out of the force of 9,600. The number who passed through the hospitals during that period was 1,430, and yet this was what the right hon. Gentleman opposite had spoken of as a proof of unexampled sickness and mortality. That number did not indicate an unheard-of prevalence of disease. The evidence of Sir J. Macgregor, the chief of the medical staff in the great Peninsular campaigns against the French, showed that such could not be supposed to be the case. All great armies, during military operations, were subject to very considerable loss by disease, and, indeed, so far from its affording matter of astonishment that so many of the Legion had died during this expedition, the wonder was that so few had died. The evidence of Sir J. Macgregor showed that during the thirty months' campaign of the Duke of Wellington's army in the Peninsular the number of British who passed through the hospitals was not less than 346,000 on a standing force of about 60,000 men. When it was recollected that the same medical officer had declared that old soldiers were so much less liable to disease than recruits—that three hundred men who had been five years in the army were of more service, and more to be counted on, than one thousand men who had served only one year—and when it was recollected that a greater part of the troops who were engaged in the great Peninsular war were men who had been five years in the army, the comparison between the mortality of the veteran troops of the Duke of Wellington and the raw soldiers of the Legion was favourable to the latter. With regard to the fate of the Legion, charges had been brought against him by the newspapers and in that House. He had been asked what had become of them, and it had been stated that they had all perished, but was this the case? So far from there being any truth in this statement he must beg leave to say that so soon as they received their pay from the Spanish Government they would return to this country, and about 6,000 were entitled to gratuities or rewards for their services. They had many difficulties to contend against. Some things were fair and others were not in times of war, but he believed that the Carlist agents in this country had induced men to go out in the Legion merely for the purpose of deserting from it on their arrival in Spain, and inducing others to follow their example. He had been informed, and strongly believed, that the fact was so. At all events, 350 of the men who had gone out in the Legion went over to the enemy; but it was well known that during the former war a great number of desertions occurred. This, however, was only a proof of the discouraging character of the service. It had been made a ground of complaint that there was a want of certainty with regard to the conditions in reference to the period of service, and whether it was for one or for two years. He regretted this imperfection as much as any one, but he had nothing whatever to do with these conditions, as they had been drawn up before he accepted the command. The only duty that devolved on him was to see them properly executed, and it was untrue that he had signed them, or that they bore any other signature than that of General Alava, the minister from Spain at that time in this country. When parties expressed a wish to return at the end of the first year he told them that all he could do was to represent the matter to the Spanish Government. He did so, and he thought the interpretation which they put on the conditions was the right one. They considered that those who wished to leave at the expiration of the year ought to have given notice of their intentions, and the more particularly as they had received their pay for the year without having performed more than six months' service. The number of the parties who applied to be discharged was at first considerable, but they were subsequently, by means of persuasion, reduced to about 350. As this subject had been so frequently alluded to he thought it right to give this explanation, in order to show that the Spanish Government had incurred no blame on that ground. It was not until he received orders to raise the siege of St. Sebastian, which was blockaded by the Carlist force, that he felt himself placed in a responsible position. He was there instructed to wrest from the Carlists the advantages which they had gained, and to co-operate with the British squadron, which for the first time took part in the contest. The duties which had been assigned to him he performed to the best of his ability. Amongst other charges against the Legion was that it had been engaged in action on Sundays. If this was a military offence it was one that the gallant Officer himself (Sir H. Hardinge) and many of his companions in arms had often been guilty of. Some Friend of his, having noticed the attack, had sent him a letter, in which he said that the charge might be met by a reference to many similar acts perpetrated by the most distinguished commanders, and he included a list of them, beginning with Vimiera, and ending with the battle of Waterloo. He really did not feel that this was at all a serious matter; indeed his only reason for adverting to it was to show the zeal and minuteness with which their conduct had been scrutinized. He believed it was the first time that any body of troops had such a charge brought against them, and he viewed it as conclusive evidence of a disposition to point out any little defects that might appear in their conduct. Had this been the heaviest of the charges against them, he need not have troubled the House on the subject; but they were accused of ferocity, of drunkenness, of murder—in short, of every sort of offence and crime that it was possible to imagine—of offences of the most trivial and of crimes of the gravest character. A noble Lord had stated in his place in Parliament, that on one occasion the whole Legion was intoxicated when in action, and that after the action, being still in a state of intoxication, they had murdered the whole of their prisoners. In a letter which he subsequently addressed to the electors of Westminster he took the opportunity of stating that this charge which the noble Lord had made, as he said, on good authority, and no doubt he must have believed his authority at the time to be sufficient. The noble Lord had said that the Legion was intoxicated, that they murdered their prisoners, and that they retired in a state of great confusion and disorder. He begged to declare that, as far as he was aware, there was not the slightest truth in these statements: they were not intoxicated, nor did they murder their prisoners, nor did they retire in disorder, for in fact there was no pursuit. He thought when the noble Lord hazarded that statement, on what he considered to be good authority, having been challenged to produce his authorities, as a matter of fairness and justice, he ought to have done so, or to have acknowledged that he was in error. The noble Lord, the Member for Hertford, said, that half the Legion were intoxicated. [Lord *Mahon:* I made no such statement.] He was glad the noble Lord had corrected him, and disavowed statements that had certainly been attributed to him by the public prints. He assured the House that he came to this discussion without the slightest feeling of vindictiveness. His own conscience assured him that he had performed his duty during the period he was in the service; and, entertaining no unpleasant feelings himself, he did not wish to aggravate any of the circumstances. As to the statements made on the subject of his want of skill, and such matters, every one knew that men who occupied a prominent position, whether in civil or military life, must lay it to their account to have their conduct publicly questioned, and must be content to abide by the general decision. The probability always was, that such a man would receive a small measure of justice from his opponents, and that would be counterbalanced by an overflowing quantity of approbation from his friends. He conceived that the general charges were all of them triumphantly dealt with by the noble Lords and other hon. Members on his side of the House in the discussion on the subject last year. So ably and completely were the reputation and conduct of the Legion then defended, that he should not have thought it necessary again to advert to the subject if it were not that some few statements had been made which it was impossible that any one could answer who was not on the spot and in an official situation. He took this opportunity of expressing his gratitude to those hon. Gentlemen who, in his absence, had espoused the cause in which he and his comrades had been engaged. He must at the same time express his respectful acknowledgments to the right hon. Baronet opposite, who, he must say with reference to his reported speeches, had never uttered a word that could hurt his feelings. The right hon. and gallant Officer opposite, however, had not only complained of the murders the Legion had been in the habit of committing, but said it was a matter for the serious consideration of this Christian country, whether they would allow a large body of troops to be trained up in a course of bloodshed and murder. He would now appeal to the right hon. and gallant Officer, and ask him, if he had any just grounds to persist in his statement, to give them to the House. If the troops under his command needed any justification, he might refer to several instances of irregularity described by the Duke of Wellington as having occurred in the army the noble Duke had commanded—an army infinitely superior in all respects to the one he had commanded. Speaking of the Peninsular army of 1810, that noble Duke said that the convoys of money were continually robbed; military law was not enough to keep the men in order, and that perjury was as common as robberies and murders. These things were inevitable in war, as every military man well knew; and they ought not to be lightly made the subject of complaints. If one of the greatest men that was ever known as a commander was unable to prevent these irregularities and crimes, surely some allowance ought to be made for him. The power he had given to inflict summary punishment had also been complained of; but the authority he had just referred to, in speaking of the state of the army, had given it as his opinion that the only remedy for the evil was the extension of the provost system. The course he had adopted in that respect was, therefore, not altogether without precedent. Nor were such occurrences confined to the English army, they were found to quite as great an extent in the French army. The statements that had been made being partial, amounted to taking advantage of the ignorance of civilians as regarded such affairs; they would be very likely to think the conduct complained of as extraordinary, not being aware that similar offences were committed by the armies of other nations. The consequences of his system of discipline had been, that, on no one occasion, had the offences been of such a character as to require capital punishment. The number of graver crimes was small, and the severer punishments had been avoided. With regard to corporal punishment, the sentences for the offences with which he individually had to deal were commuted, and no corporal punishment was inflicted. He believed, that one of the great reasons why no dreadful crimes were committed was, that capital punishments were not resorted to. He felt, also, that his experience justified him in saying, that the abolition of flogging tended rather to the prevention than to the commission of crime. The hon. and gallant Gentleman next adverted to the pay that had been received by the Legion, and entreated the public press not to encourage the system of asking alms in the streets, which some of the discharged men had resorted to. Every one of the soldiers and non-commissioned officers had received the whole of their pay, except 120 men, who were absent from head-quarters. They had received the whole of the money they would have been entitled to had they been in the British army. Men incapable of service from wounds, and widows, had also received their pensions and allowances. His humble services, such as they were, should be continued for the purpose of obtaining their gratuities for such soldiers as had not yet received them. He would not, however, conceal from the House, that, in his opinion, the officers of the Legion had serious grounds of complaint against the Spanish government. When any funds had come from that quarter into his hands, he had taken care that the junior officers and men should receive their pay first. The non-commissioned officers and men had, in consequence, received their pay up to the time he left the Legion. But there were arrears of pay due to the subalterns for six months' service, to the captains for seven or eight months' service, to the superior officers of ten or eleven months, and to himself for fourteen or fifteen months. He felt perfectly convinced, that the statement made by Lord Melbourne, in the other House of Parliament, would be fairly acted up to, and that no efforts to make the Spanish government fulfil its engagements with the officers of the Legion would be left unrealized by the British Government. Indeed, he believed that those officers had more than an equitable claim upon the British Government, supposing they failed in obtaining their due from the Spanish government. [" *Hear, hear !*"] He was glad to find that the hon. Gentlemen who had exhibited so much hostility towards the officers of the Legion, during their absence upon service, were so well inclined to act with humanity towards them now they were seeking to obtain the recompense for their labours. He trusted that the hon. Gentlemen to whom he had just alluded would prove the sincerity of their late cheers by supporting any grant in advance, by the English Government, to the officers of the Legion. He believed, that the only objection felt by her Majesty's Government to such a grant was, the opposition which they apprehended would be made to it by those very persons who were then giving to the officers so much apparent commiseration. With regard to the destitution and want of supplies from which the Legion suffered, owing to the conduct of the Spanish government, he thought, that, after the remarks which he had made upon what had occurred at Vittoria, he had no occasion to say a word more. He repeated, that, though the troops of the Legion suffered hardships, they had not suffered any thing like the physical hardships to which our better appointed Peninsular army had been frequently exposed. If his brave comrades had been unfortunate, it was not because they had suffered greater physical wants or greater ravages from disease than the British army in the Peninsular, but because they had not met with that sympathy from their countrymen at home during their absence, to which he thought they were fairly entitled. Before he entered upon this digression he had been stating the duties which the Legion and its commander were sent to perform in the north of Spain, in co-operation with a British squadron. The whole of the Legion did not arrive at St. Sebastian till the 5th of May. On that day operations commenced, which were entirely successful. The enemy were driven from their lines, their chief was killed, and their artillery was taken. The next operation was on the 28th, when the Urumea was passed, and the town and fortress of Passages were taken. On the 31st the enemy attacked the Legion in its cantonments, and were repulsed. On the 6th of June the enemy repeated their attack, and were again repulsed, and that time with a loss of 1,400 men. On the

9th they were again repulsed. The Legion had made the attack on Fontarabia to create a diversion. An intimation was received from the General-in-chief of the Queen's forces on the Ebro, that it would be of advantage to him to draw the Carlists from his left on that river, whilst he was operating, as he intended to do, in the valley of the Bastan. A movement on Fontarabia was therefore made by the Legion as a diversion in his behalf. At the time it was made it was uncertain whether it would be persevered in, when made, and also whether any operations would be made in the Bastan. It turned out afterwards that the General-in-chief abandoned his intention of going into the Bastan, and the consequence was, that the movement upon Fontarabia, where the Legion lost ninety men in killed and wounded, was abandoned. About a month afterwards—that was some time in the month of October—the enemy again attacked the Legion in its cantonments, and again lost a great number of men in the attack. It was unfortunate, that about that time the Queen's troops on the Ebro were reduced to the necessity of acting on the defensive, in consequence of the events which took place at Madrid, and which terminated in the overthrow of the Executive Government. It was unfortunate that that was the second time in which the Executive Government of Spain had been overthrown since the arrival of the Legion on its shores. It was very true that he had not anticipated any such serious obstacles to the progress of its operations; but it required the greatest prudence and forbearance to approximate even to the course of events; and he was not to be blamed, because he had failed, as well as others, in judging accurately of futurity. Perhaps the conduct of the right hon. Baronet would not have been exactly that which it had been had he been able to foresee six months before the event that the repeal of the Test and Corporation Act would be carried. Perhaps the right hon. Baronet's opposition to the great measure of reform would not have been so strenuous had he foreseen that, in spite of all his efforts, it would be at last triumphantly carried. Revolutions like these could not be foreseen, and no man could fairly be blamed because he could not penetrate through the veil with which Providence wisely concealed the future from our view. In consequence, then, of the events at La Granja and Madrid, the Queen's troops remained on the Ebro upon the defensive. On the 16th of March the Legion again commenced the offensive. On that day the heights of Hernani were captured. A short time previously he had received a communication from General Sarsfield that he intended to move upon the enemy by Tolosa on the 14th. The intention of that gallant officer was again to move through the centre of the enemy's forces by the Bastan; but though such was his intention, the General had not called upon him to undertake any operation at all. It appeared to him and his gallant comrades at St. Sebastian, that as General Sarsfield would, in the course of his march, be opposed to all the troops of the enemy, his column must be destroyed unless some diversion was made in its favour; and it was with the intention of giving his column an opportunity of marching with safety through the mountains that the operations of the Legion on the 14th, 15th, and 16th, were undertaken. He did not expect to take Hernani on that occasion. It so happened that he remained in complete ignorance of the movements of General Sarsfield till the close of the day of the 16th; and in expectation of General Sarsfield having marched upon the Bastan, he had extended his troops for the purpose of enveloping Hernani. It turned out that General Sarsfield abandoned his intended movement on the 11th; and at the moment that the troops who had marched from St. Sebastian were in extended order around Hernani, twelve Carlist battalions suddenly arrived, and turned them. On the left the troops were driven in, and so too on the right. A retreat was made, but for not more than 1,000 or 1,500 yards. The retreat was effected without much loss. The killed and wounded amounted to 400. On the two days 700 men were killed and wounded, but on neither were any prisoners taken from the Legion. This retreat had been adverted to by the noble Lord, the Member for Hertford, "as the greatest stain which had fallen on the British arms for the last 500 or 600 years." It was scarcely fair—nay, it was most unjust—that such language should be applied to such a check as that which the Legion then received. The Peninsular war, full as it was of glorious recollections, was also full of alternate successes and defeats, and it was not reconcilable to any principles of justice with which he was acquainted, that its glorious victories alone should be recollected for the purpose of throwing discredit on the 4,000 British bayonets assembled before St. Sebastian. If a retreat of a mile and a half at most by the Legion was a stain on the British arms, what were they to say of those retreats of 400 or 500 miles at a time, which had been made more than once during seven of the most glorious campaigns of the Duke of Wellington in Spain? He had no hesitation in affirming, that in making those retreats the Duke of Wellington had placed on the records of history the finest proofs of his military genius and skill. The noble Lord, the Member for Hertford, had written with great care, and the most elaborate study, the history of a former war in Spain respecting a disputed succession. In that war an officer of high talents, with whom he did not mean for a moment to place himself on a level, was, by the course of events, not at all attributable to himself, compelled to surrender with an army of 8,500 British troops, then under his command, to the enemy. And what remarks had the noble Lord made upon that catastrophe? If the remarks of the noble Lord on that occasion were correct, then had he been most unfortunate in the severity of the remarks which the noble Lord had made upon his military conduct. [The gallant Officer read an extract from Lord Mahon's History of England, to shew that the noble Lord had stated that Lord Galway was more unfortunate than blameable for the defeat which he sustained at the battle of Almanza]. He regretted that the noble Lord had not displayed the same degree of indulgence towards him that he had displayed towards that gallant but unfortunate officer. He contended, that considering all the difficulties with which the Legion had had to contend, and considering the smallness of its force, every operation of the Legion had been as honourable to it as had been the efforts and performances of any troops he had ever heard of. The custom, unfortunately, had been to place in a strong light all the adverse circumstances which had befallen the Legion, and to cast a dark veil over all its successes and exploits. He respected very highly the military character of Lord Beresford; but it was a fact, that in the early part of his military career that noble Lord had been obliged to surrender with all the troops under his command. It would, however, be most unfair to refer to that incident alone in the noble Lord's life, and to forget all the glorious and valuable services which he afterwards rendered to his country in the campaigns of Portugal. He would here advert to the assertion of a noble Lord in the other House of Parliament, who had accused the Legion of having fled disgracefully on the 16th of March to St. Sebastian. "The troops," said he, "fled to St. Sebastian, and in such a state of disorder that nothing could restrain their flight," Now, the fact was, that the troops had not fled, they had only retreated to the lines—they had no occasion to fly, for the enemy did not venture upon a pursuit. The noble Lord had proceeded to observe, that the Legion would have been destroyed, had not the British Marines and some forty British sailors stood firm, and enabled them to carry off their artillery. "But for them," said the noble Lord, "they would have lost every piece." He would here observe, that it had been made matter of charge against him in the public prints, that he had not been in his place on a former evening to support the claims of the officers of marines to increased allowances, knowing, as he was alleged to know, that that corps had saved his Legion from destruction. Now, it was not from any want of a proper appreciation of the services of the Royal Marines on his part that he had been absent from the debate of a former evening; but it was from a feeling that his testimony on their behalf, and that his vote in their support, were not wanted. As the last officer who had served with that gallant corps, he hoped that the claims of its officers would be properly attended to; for no corps was more worthy of having its claims attended to either in the naval or the military service of the country. With regard to that corps of them with which he had had the honour of co-operating on the north coast of Cantabria, he would merely observe, that he had never seen any regiment, not excepting the most crack corps in the British service, superior to them. For courage and steadiness in the field, and in quarters, they were entitled to the very highest degree of credit. But in rendering this just tribute to their valour and discipline, it was not necessary to bestow on them laurels which they had not earned, nor to cast odium upon other troops who had gallantly performed their duty. The marines had not covered the retreat of the Legion. The marines had performed to admiration the duty which they were that day ordered to perform. He again repeated it. They did not cover the retreat, nor were the guns of the Legion saved by the marines: and though that force had been of the greatest service, it was chiefly placed in reserve. The marines received orders to retire as soon as the Queen's troops had re-occupied the lines on the Urumea, and they accomplished the retreat with admirable order. The best proof that the marines had not borne the brunt of the action was, that they had only one man killed and twenty wounded. He was most glad, however, to acknowledge that they had been of the greatest possible benefit, and he had no doubt that if a few such corps were sent out, the war would be very speedily brought to a conclusion. It was said, that the marine force had been employed seven miles from the sea, and that it was impossible to justify this by any interpretation of the terms "naval co-operation." With respect to the signification of those terms, though he was not very well qualified to discuss points of international law, he had had opportunities of observing the way in which they were practically construed in the course of the Peninsular war, during the occupation of the Isle of France, as well as on the north coast of America, and he could say, that the naval co-operation on land in those places had been much more extensive than during the contest in Biscay. He had pleasure in reflecting, after all the aspersions cast on the Legion, that the Spanish Government was satisfied that that force had discharged its duty as a body of auxiliaries most effectually and with strict fidelity. He could say for himself, that he had never attempted intentionally to insult, affront, or hurt the feelings of any hon. Gentleman, as he did not think that House a very convenient place to establish a character for pugnacity, and therefore he took it for granted that the attacks which had been directed against himself and the character of the troops he had commanded proceeded, not from personal motives, but from the ardour of political feeling. He was willing to believe that hon. Gentlemen on the opposite side, and the powerful party in the country who supported them, with the press which advocated their views, were of opinion that the Legion was calculated to promote those principles of constitutional liberty in the Peninsula which they did not usually deem it advisable to favour. He presumed that the difference between the great principles held by the adverse parties was the cause of the unsparing attacks made against the Legion in that House. He had now attempted, in a cursory manner, to exonerate himself from the charges brought against him, and he hoped he had done so without wounding the feelings of any man. After all, it was a matter of comparatively little importance whether the small body of troops employed under his command had discharged their duty or not; the great question was as to the result of the civil war now raging in Spain, which he hoped to see brought to a termination favourable for the cause of liberty. No part of the attacks made by the public press had caused him so much uneasiness, or wounded his feelings so keenly, as the charges brought against the general officers of the Spanish army. He considered that those charges had created great jealousy and bad feeling in the Spanish people. He said at once that there was no foundation for those charges; the conduct of General Espartero, under whom, more particularly, he had served during the latter part of the contest, was admirable, and he did not believe a more honourable man, or a braver and more faithful soldier, or a truer friend of his countrymen than that General existed. He humbly hoped that this testimony might go some small way, as he had had so many opportunities of judging of the merits and patriotism of those individuals. With respect to the extent of the loss of life among the prisoners, he begged to say that no prisoners had been taken from the Legion in action, not even a corporal's guard; no part of the artillery or equipage of the Legion had been captured by the Carlists. The Legion, however, had taken twenty-seven pieces of artillery from them, and 1,100 prisoners, the lives of whom were spared. The number of soldiers of the Legion who fell into the hands of the enemy was forty-seven, all of whom were put to death. It was unnecessary to dwell on the diabolical cruelty of such conduct; but a party in this country appeared to have considered that Carlos was not so much to blame as the Government of this country for subjecting them to the danger. Surely the proper course for men who professed to be the enemies of inhumanity, would have been, not to denounce the Government, who did all they could to prevent these atrocities, but to lend their support to Government, in adopting such measures as might benefit their countrymen. It was impossible to deny that the Carlists had put to death the whole of the forty-seven men they had taken, while the lives of 1,100 Carlist prisoners had been spared by the Legion. It was disgraceful to attempt to palliate the barbarity of the monster who could perpetrate such cruelties. It ought not to excite surprise, that the civil war was not yet terminated. He rejoiced that there was a fair prospect that, by the union of the two parties of the Spanish Liberals, the whole nation would conjoin their efforts to extinguish the rebellion, and place the rightful heir securely on the throne. Not a single town of 10,000 inhabitants, in the whole Peninsula had espoused the cause of the Pretender. The whole body of the Spanish aristocracy was favourable to the reform Government. The grandees, he believed, amounted to about 150, and of these there were no more than three who countenanced Don Carlos. Surely that circumstance ought to recommend the Queen's cause to the support of hon. Gentlemen opposite. Perhaps the church question was one of the chief causes of the delay which had taken place, and we ought not to reproach the Spaniards too severely for not having brought the contest to a close, so long as that question remained unsettled among ourselves. The property belonging to all the monastic establishments in the country had been confiscated, and the consequence was, that the whole of the monks were zealous adherents of Don Carlos. He had only to add, that he felt conscious that he had done his duty, and he had the satisfaction of knowing that the troops he commanded had received the approbation of the Government under whom they had served, as well as of the Government under whose sanction they had entered into engagements to perform that service. He felt most grateful for having rendered assistance, however humble it might have been, to the cause of constitutional government; he was happy to have this opportunity of saying, that he continued to feel the deepest sympathy for their cause; and he lamented much, that in a British House of Commons, among the representatives of a free people, persons should be found who did not sympathise with a cause in which that people had a common interest—the cause of constitutional liberty throughout the world. So far from thinking that this country had fully acquitted itself of its obligations to the Spanish Government, he did not think all had been done that ought to have been done. Both of the great parties which had divided this country, had identified themselves with the quadruple treaty; and he hoped that, for the sake of humanity, for the preservation of the balance of power in Europe, and for the benefit of the manufacturing interests of Britain, both parties would unite to aid the cause of rational freedom, and terminate the miseries of the civil war that now convulsed the Peninsula. The hon. and gallant Officer concluded by moving, that an humble address be presented to her Majesty, praying her Majesty to direct that there should be laid before the House copies of any correspondence which may have taken place on the subject of any communications between the Spanish Government and the British Minister at Madrid, expressive of the feelings and opinions entertained by the Government of her Catholic Majesty, with respect to any services which may have been rendered to the Government of Spain by the British Auxiliary Legion, from the date of its embodiment till the termination of its period of service.

Sir *Henry Hardinge* had listened with the greatest attention to the speech of the hon. and gallant Officer, who, he freely admitted, had performed his task of vindicating the Legion in a very creditable manner. But he must avow, that as far as any statements of his were affected by what had fallen from the hon. and gallant Officer, he could not find that any of them was refuted. He could assure the gallant Officer if he thought he could not, upon documents on which he might rely, maintain every one of those statements, he would take the opportunity of withdrawing every one of them which appeared to be not founded in fact, but he had nothing now to withdraw—nothing to retract; he had made those statements on the authority of several officers of the Legion, and he had not heard the gallant Officer refute any of them. Without meaning any discourtesy to the gallant Officer, he must beg leave to say that he had nothing to withdraw; but he wished to say a few words regarding one or two observations of the gallant Officer. The gallant Officer said it appeared to him, that the taste for Spanish affairs had subsided since last year. He begged leave to assure the gallant Officer, that he would find, before he sat down, that the taste had not in the least subsided. He would also remind the gallant Officer, though he was sure the gallant Officer did not intend to convey any insinuation that they were deterred from bringing forward the Spanish question by anything that took place last year, that he had informed his officers, on taking leave of them to return to this country, that his object in departing was to resume his place in the House of Commons for the purpose of vindicating them from the aspersions cast upon them at the earliest possible moment. That was very natural; but what had occurred? The gallant Officer was in the House of Commons for a month after his return before the last Parliament was dissolved, and had offered no explanation of his conduct in Spain. He must say, that as far as regarded any delay in discussing this subject, and coming to a decision on disputed points, the blame, if there were just grounds for imputing any, rested not with that side of the House, but rather with the gallant Officer himself. If any officers had been unjustly calumniated, and been deprived of an opportunity of defending themselves, the blame was not attributable to him (Sir H. Hardinge) or any one who had taken an interest in Spanish affairs on that side. The gallant Officer complained, that the press had used very ungenerous, violent, and obnoxious terms in speaking of the Legion, but could he be surprised at it? Had not the gallant Officer, in his political letters to his constituents in Westminster, expressed sentiments entirely at variance with those entertained on that side of the House? Had he not, in his political despatches, retorted on the Tory party the charges brought against him? Could the gallant Officer then be surprised that the Conservative press had shown a disposition to recriminate, perhaps more severely than was justifiable? But the Liberal press had attacked the gallant Officer with even more severity than the Conservative press. During the last two years he believed about 250 officers had quitted the British Legion in disgust. They had left it, no doubt, for various reasons; but it was impossible that so large a body should abandon it without impressing on the minds of a great part of the public their sentiments with respect to its management. Consequently a large proportion of what the hon. and gallant Officer called misrepresentations proceeded from those individuals who had left the Legion in disgrace. Therefore, as to the charge brought by the hon. and gallant Officer against the press, he thought the hon. and gallant Officer could not be surprised at what had been thus stated. But the hon. and gallant Officer had taken umbrage, it appeared, at what the gallant Officer represented as a statement of his, to the effect that the hon. and gallant Officer had gone out to reconnoitre at Hernani on a Sunday, a circumstance mentioned in the House with some degree of reprehension. Now, the fact was, that in the course of the speech which he had last addressed to the House on this question, he was proceeding to quote from a book written by Major Hall, one of the gallant General's own officers, and he had just got to the word "Sunday," when he was interrupted by a burst of ironical cheers from hon. Gentlemen opposite, upon which he immediately remarked, that he knew the battle of Waterloo was fought on a Sunday. As far as his private feelings were concerned, he would say, that he was not at all squeamish about doing his duty on Sunday any more than any other day. But what was the statement in Major Hall's book, which he was about to read when he was interrupted as he had described? The hon. and gallant Gentleman then read a remark from Major Hall's book, to the effect, that on Sunday, the 1st of August, when the hearts of thousands of his fellow-countrymen were lifted up in prayer to God, he first saw the ground covered with bodies of men who had fallen in battle. These he thought were very natural reflections for an officer to make on seeing, at his first landing, the ground strewed with the bodies of Spaniards killed by Spaniards. But with reference to the question of the Sunday reconnoisance, he must declare it to be his opinion as an officer, that there was something objectionable in taking out the troops on that day. There were only two points of view in which the affair could be considered—either the gallant Officer had an object of a military nature in view, or he had not. If, as an officer, he had any particular object in view, then this movement was perfectly right; but if he wished merely to take out his young troops, then he must say it was very objectionable. Now, he begged to call attention to the circumstance that the gallant Officer, in the order of the day, had described the reconnoisance of Hernani as "excellent practice," and greatly beneficial to the troops. Therefore, the hon. and gallant Officer's own statement did not put the matter on any other ground than that of merely taking out the troops. On military grounds, however, he should say, that it was not very advantageous for young troops to accustom them to show their backs to the enemy on the very first day that they were called upon to do service. On these grounds, therefore, he certainly could not concur in the judgment of the hon. and gallant Officer on this occasion. But the gallant Officer's troops were accompanied by a body of Chapelgories, and these troops, be it remembered, were not included in any treaty having in view arrangements for the safety or interchange of prisoners; there was a mortal enmity between them and the Basques; they neither received nor gave quarter. He thought that it was unfortunate the hon. and gallant Officer should have been associated with those Chapelgories. He found that always, according to one of the officers who had served under the gallant Officer opposite, always, without any exceptions, did these people put to death whomever they captured. He did not feel ashamed of having adverted to the circumstance of this movement having taken place on a Sunday, for he begged to state that he never had, and he never should fail to give utterance in that House to the feelings of Christianity in mitigation of the horrors of war. The number of men whom he had stated in the speech to which the hon. and gallant Officer had referred to have fallen at Hernani amounted to 700. For this, Major Hall was his authority, and almost every other officer who had written on the subject made the same statement. Major Richardson had also been quoted by him, and he begged it to be remarked, for it was important to be borne in mind, that he quoted from the first edition of the work, and that edition, he had reason to know, lay on the table of the hon. and gallant Officer for a period of nine or ten months without meeting with any contradiction to any of its statements from the hon. and gallant Officer. He contended that, in these circumstances, he was justified in taking Major Richardson's book as a sufficient authority, and one on which he might safely depend. But, besides this, although he was not acquainted with Major Richardson, that officer had written him a letter, in which he stated that the hon. and gallant Officer had given him leave to come home to England for the purpose of supporting the interests of the Legion in this country. He had also in his possession a letter of the hon. and gallant Officer to Major Richardson, in which the hon. and gallant Officer thanked him for this very book. Another letter of the hon. and gallant Officer to Major Richardson, also in his (Sir H. Hardinge's) possession, stated the great accuracy and fidelity of his book, and adding that he should cause it to be circulated extensively in the Legion. [Sir *De L. Evans* intimated, that the books referred to by Sir H. Hardinge, and by himself in the above mentioned letter, were distinct and separate works.] His quotations, he begged to repeat, had been made from the first edition of Major Richardson's book, which, as he had said, lay on the table of the hon. and gallant Officer for a considerable period without animadversion or reply on his part. He thought, he could bring the matter back to the hon. and gallant Officer's recollection. Major Richardson had been tried for his preface, in which he was supposed to have reflected on the officers of the British Legion; and in that preface, Major Richardson had stated that he came to England to support the cause of the officers of the Legion. This statement had lain, as he said, on the table of the hon. and gallant Officer from July, in 1836, to April, 1837, when he had made his statement. With regard to the sick of the Legion, the arguments of the hon. and gallant Officer appeared to him, he must say, most erroneous—he seemed to have taken a wholly mistaken view of the sentiments of hon. Gentlemen on that side of the House with respect to this part of the subject. They did not mean to say, that there would have been any ground of complaint in case the Legion had suffered the losses which it had been described as having sustained in the discharge of its necessary duties in the field of battle, but the complaint was of the numbers who died of disease; and, if the Legion was composed of striplings and cripples, as the hon. and gallant Officer called them, then it ought to be recollected not merely that the men died, but that they died unnecessarily—not that they died of sickness, but of sickness brought on by neglect, the cruel neglect, of their wants and comforts which had been shown by the Spanish Government; they had not found fault that the soldiers died, but that they died in the cantonments at Vittoria, and within the space of four or five months. But, good God! did the hon. and gallant Officer seriously, as an officer, mean to compare the condition of the British Legion during these four or five months at Vittoria with that of the army of the Duke of Wellington during any part of the Spanish campaigns? Why, the Duke of Wellington, in his first campaign, had taken Ciudad Rodrigo by storm; he next marched to Badajos, which he took with great loss, but with a manifestation of most exquisite skill; the next operation was the march to Salamanca, then the battle of Salamanca; after that, he forced Marshal Soult to evacuate Madrid, on which 100,000 men had been concentrated for the purpose of driving the British General from the territory of Spain. But when our troops began to retreat the sick suffered intensely, because the poor fellows had frequently to move under a burning sun for thirty, or forty, or fifty, or even sometimes 150 miles, before they came to a hospital where they might be fitly received and attended to. The consequence was, as might be expected, that these men died in great numbers. But they died, let it be remarked, under the pressure of the exigencies of the public service. Besides, they must have died if they had been left behind. Therefore, when the hon. and gallant Officer took three or four regiments of the Duke of Wellington's army—namely, those which Dr. Alcock, in his *Notes on the Medical History and Statistics of the British Legion of Spain,* had stated to have been particularly unhealthy, he ought to remember, that though it was true these regiments were especially and remarkably unhealthy; yet the circumstances and situation in which they were placed during the Peninsular war were, in no respect, similar to those of the British Legion in Spain. What were the leading events of the next campaign? The march to Vittoria, the battle of Vittoria; then the march to prevent Soult taking possession of Pampeluna; then the battle of Pampeluna; then the march to the Pyrenees. This might, indeed, be called a campaign. Then, in the last campaign, there was the march across the Pyrenees; the battle of Orthes; the advance to Toulouse, and the battle there, when, as he recollected, an hon. and gallant Friend of his on the opposite benches had been wounded severely. Such were the character of these campaigns, and surely the hon. and gallant Officer did not mean to compare anything which the British Legion had effected with this? He did not mean to say, that there was anything similar in the campaigns? But in another point of view let the House observe how the case stood. The troops which Sir William Clinton had taken out in the expedition to Portugal in 1826 and 1827 were young, raw, unseasoned, and suddenly-levied men; they went out with every disadvantage; and the result of an examination of the average deaths was much more in favour of the hon. and gallant Officer than the case of the Duke of Wellington's Peninsular army. It appeared, from the statement of Dr. Alcock, that the Legion lost, by sickness, while in cantonments at Vittoria, in six months of the winter of 1835-6, no less than 1,223 men out of 7,000, making an average of about one in five: the average mortality, from sickness, of the army employed in Portugal during parts of the years 1826 and 1827, was, for six months, one in sixty-six men. Now, with respect to the Duke of Wellington's army, he found, that in Sir James M'Gregor's returns, to which the hon. and gallant Officer had alluded, the mortality was given for every six months; from which it would appear, that in two years and a half the total loss, by sickness, in the Peninsular army (deducting wounds and extra patients) was 13,822 on a force of 60,000 men, making the average loss for six months about one in twenty-one. But, according to Dr. Alcock's statement, the mortality of the last six months of the Peninsular war—namely, from December, 1813, to June, 1814, was, in deaths by sickness, 2,016 out of 60,000 men, or at the rate of one in thirty. This was Dr. Alcock's statement, on which, however, he was not inclined to place very much dependence; but such as it was it made out the average mortality of the Duke of Wellington's army to have reached only to one in thirty. The army, it would be observed, was occupied at the same season and in the same locality as that under the hon. and gallant Officer opposite. Upon the whole, he must repeat, he thought the case of the troops in the expedition to Portugal was much more analogous to that of the Legion than was the case of the Duke of Wellington's army; yet the average of the former was still less favourable to the argument of the hon. and gallant Officer. The Duke of Wellington's army in the same locality, and at the same period of the year, had lost by sickness one man in thirty, while the hon. and gallant Officer had lost one in five. And mark the difference in their situations: the Duke of Wellington's army were living during a great portion of this time under tents; and therefore, in his opinion (which he wished to state with all humility), the excuses of the hon. and gallant Officer with reference to this part of the subject did not apply. But it might be worth while to see what Dr. Alcock said, when they found the hon. and gallant Officer opposite attempting to extenuate the conduct of the Government of Spain, and that the cripples and boys who formed his Legion had not fallen under sickness in consequence of any neglect on the part of that Government. Now, Dr. Alcock at page 28 of the work to which he had referred had these words—"This number of deaths (1,223 for Vittoria and its environs in six months) took place out of 7,000 men who were at head-quarters. And, besides deaths, there were at least 500 men incapacitated for further effective duty. Thus the defective arrangements of the Government or its agents, and the hostility or inertness of the provincial authorities lost to the cause the services of nearly 1,800 men out of a force of 7,000, for this was exclusive of nearly 200 who were swept away at Santander and Briviesca, while labouring under the miseries and hardships of the same bad management. Thus in one winter they lost the lives and services of 2,000 men of the Legion, besides crippling and enfeebling the whole force for six months, if not for the whole period, even were no account taken of the mass of human suffering necessarily entailed." He thought it appeared from this book, which had been quoted by the hon. and gallant Officer himself, that this amount of suffering was "unnecessarily entailed." Therefore, with every disposition to do honour to the humanity and zeal of the officers of the Legion in endeavouring to alleviate the sufferings of the sick and wounded, and with every wish to do justice to the exertions of the hon. and gallant Officer in the same cause—indeed, he believed, that the hon. and gallant Officer did everything that a man could do—he must say, that the Spanish Government, whom he thought the hon. and gallant Officer had too much attempted to extenuate, was much to blame, not the men or officers of the Legion. He did not consider the hon. and gallant Officer to be responsible in any way for the impolicy of sending out troops to Spain. Her Majesty's Government were the parties responsible, and they alone should take upon them the obloquy of the measure; or rather the two Governments between them should share the obloquy of the measure. He had seen a book which had been written by a gallant Officer high in the service of the Legion—he meant Brigadier-General Shaw, from which he had taken care to have some passages extracted, which he hoped would settle the question as to whether the men there described fell a sacrifice to inevitable circumstances, or in consequence of the cruelty and neglect of the Spanish Government. Brigadier-General Shaw stated—"Many of the sick have died from having no comforts. I do not believe we can muster 4,000 bayonets. The hospitals were very bad, but this convalescent dépôt was terrible; I believe no officer had gone through it; and no wonder, as the filth was shocking. All were lying huddled together on the bare stones of a convent, without windows, and no blankets. Entering a small room in a corner, I was nearly knocked down from effluvia; there nine men had been for four days without any surgeon to look after them. I suppose they are now all dead. I proceeded to another dark room, and there seventeen men had been for forty-eight hours abandoned, all suffering from severe dysentery. The scarcity of medicine was dreadful; about two thirds of the medical men have died, and a great many officers." Good God! here were these men lying in this house and totally abandoned in a dysentery for forty-eight hours. The general proceeded—"I went up stairs into this dépôt, and feel convinced no officer had ever been there before; those who were unable to rise were in a horrid state. Never can I forget this scene! A state of things brought on decidedly by want of foresight and management. Officers were afraid to enter this pest-house; in short, many of them who tried to do duty caught the fever and died." He could not but say that these deaths were owing to the impolicy of the Government in sending out troops at all. What did Major Hall say on the same subject? Major Hall stated—"Our sufferings and mortality at Vittoria were invariably and solely to be attributed to want of proper accommodation, bad food, little clothing, and the absence of all the necessaries of life!" "Privation of food, covering, and lodging, added to the total want of faith in the Spanish authorities, were the cause of this frightful mortality." Major Hall spoke of "the infamous want of faith on the part of the Spanish Government." These were the authorities to which he had referred last year. Had the hon. and gallant Officer touched any one of those authorities in the statements he had made? With regard to any statements of his the hon. and gallant Officer had not invalidated any one of them, with the partial exception of one word or two that had fallen from him on the affair of Hernani. There was another authority, one which he believed was known in that House to be a good authority, if not as good as that of the Brigadier-General himself—he meant Serjeant Somerville, and he believed he might be able to recall the name of this officer to the recollection of the hon. Member for Kilkenny, if he were present; for the fact was, Somerville had been flogged while in the Scotch Greys; but this was his authority, given in a work which he had written on the subject of the Legion. Serjeant Somerville stated—"Many suffered dreadfully from frost-bitten feet. There were some who lay huddled together in corners, and were a moving mass of vermin and filth." * * "As we proceeded to remove some of the sick, a horrible scene presented itself. Dead and dying were mixed together. In one apartment thirteen lay together, six of whom were dead, and the rats not scared by those who still groaned in life, had begun their part of destruction. Only one man was sensible, and he said he would have come out of the place but for his feet, which had mortified. He said the orderly who put him into the room, and who had given a little assistance at first, came in, laid himself down, and soon after died, and no other person had visited them till we came." Then again, Lieutenant-Colonel Humfrey stated—"Sixty officers and 2,000 men had died in one winter of disease, misery, and starvation, without pay, and almost without rations." It was impossible, after hearing the extracts which he had read to the House—extracts from the writings of a General in the service, an Aid-de-camp, and a Serjeant—and all corroborating each other as to the state of the hospitals—it was impossible to entertain a doubt of the dreadful sufferings and destitution of those unhappy men. After hearing these statements, too, he asked the House whether the case against the Spanish Government was not fully made out, and whether the charge had not been sustained that these men died unnecessarily? When he had shown that upon the occasion of their own expedition to Portugal in 1827 only one man died out of sixty-six, while one out of five had died at Vittoria; he thought he was justified in saying that her Majesty's Government who had sent out their unhappy countrymen for the service of the Queen of Spain to be subject to such ill-treatment were very much to blame. The gallant Officer had stated that these deaths were contingencies to which all soldiers were liable and common to every kind of warfare. He would earnestly ask whether the dreadful occurrences which he had stated to the House could be called contingencies. The gallant Officer appeared also to speak as if the destitution had not been great. He had read in Major Humfrey's book, which was very ably written on the military parts of the subject, that the men were in the greatest destitution, from want of clothing, rations, &c. Major Humfrey described the privations to which they were subjected almost in the same terms with General O'Connell, who seemed to be a gallant and resolute officer, and who had thrown up his command in disgust at the conduct of the Spanish authorities. That officer stated in a general order, that the conduct of the Spanish Government was most infamous, and that the Legion had suffered from the most cruel inflictions and the most unjust privations. Why, that was the very statement which had been made by him last year, and he could not now, any more than then, release the Spanish Government from the imputation of the most gross and scandalous neglect. Then, with regard to the unfortunate state in which the Legion were at present, the gallant Officer must have read in the *Morning Chronicle* of yesterday the letter of the private correspondent of that journal, giving an account of the embarkation of 700 men of the Legion, who were represented as being in such a dreadful state of destitution and nakedness that Lord John Hay, very properly, as he thought, was obliged to supply them with clothing, and provide for their immediate wants. Now, that was the condition of the men; what did the House suppose was the condition of the officers? Was it any thing better? Let him quote from the same authority.—"I am personally acquainted with a mess of four officers, two field-officers, and two captains, who for the last three months have not had a breakfast other than bread and water. * * * * I know others who have for a considerable time past been confined to their rooms for want of shoes to appear in the streets during daylight." Good God! Was that the way in which British officers were served in Spain? He felt strongly upon this subject. He thought after such treatment it was utterly impossible to exculpate the Spanish Government from the charge of neglect and breach of faith. They appeared to him to have first injured, and afterwards to have added to injury insult and degradation. When the Portuguese Legion were embarking for their own country, after having successfully fought for and placed the Queen of Portugal upon the throne, they were deprived of their arms and embarked under the guns of the castle of St. Belem. And what was the case as regarded the troops at St. Sebastian? After the Spanish government had defrauded the men and officers of the Legion of their just dues, and after treating them in the manner described, what now did they do? They added insult to injury by issuing an order to compel, at the point of the bayonet, the officers and men to embark at St. Sebastian, if they did not choose to embark voluntarily. He must say, therefore, that the whole conduct of the Spanish government towards the Legion was infamous. The next point to which he wished to draw the attention of the House was a military point. The gallant General had alluded to it, and really, from the temperate manner in which the gallant General had made his speech, which they had all heard with great attention and interest, he must say it was with pain he drew attention to this subject. He must say that he differed entirely from the system which the gallant General had established for carrying on the war. He thought that the gallant General had conducted the discipline of the Legion in a manner that was not justified by the articles of war. The gallant General must admit that the terms and conditions under which the men enlisted in the Legion was that its discipline should be regulated according to the Mutiny Act and the articles of war in the British service. But the gallant General issued an order at St. Sebastian by which a soldier, at the mere will of his commanding officer, might receive two dozen lashes; and any officer commanding a regiment might inflict this punishment for an offence which he had himself seen committed, or upon the testimony of any competent witness. The result was that the men were constantly flogged at the will and pleasure of the commanding officers, and in some instances this power devolved upon captains; and even in some instances a subaltern, a strip of a lad fresh from this town, and without any experience, might order an old Waterloo soldier to receive two dozen lashes. Now, the allowing any commanding officer to inflict such a punishment, without a court-martial, was diametrically opposed to the articles of war. The rule in the British service was then when the army was in the field under arms and before the enemy, the provost system came into force, but the provost system was one of emergency. It applied to extraordinary cases and not to ordinary ones, and, therefore, when a man was under arms on parade the commanding officer had no more right to order him to be flogged than to be shot. But, again, the provost-marshal must see the soldier in the commission of the act for which he was punished. He could not take the fact upon the evidence of another person. The gallant General must have read the order issued by the Duke of Wellington in 1811, in which he directed that an officer should on no account order the provost-marshal to flog a man, and certainly the gallant General, when he commanded a brigade in the Peninsula, would not have ordered a man to be flogged. But the gallant General gave the commanding officers in the Legion this power, and on this account he thought the system of the gallant General bad and objectionable, and he did not think that the gallant General had answered the objection. Even on board a ship, where three or four hundred men were cooped up in a small space, the captain, before causing a man to be flogged, must cause him to be confined, must examine him in public before a certain number of officers, must state in writing the offence, and the punishment, and the number of lashes, and then twenty-four hours must elapse before the punishment could be inflicted, except in cases of mutiny. And when he saw the system established by the gallant General, and the monstrous power exercised, the gallant General must forgive him for saying that when the gallant General expressed his opinion in that House the gallant General had always been the advocate of the total abolition of this punishment. He recollected that in the year 1834 the gallant General voted for the entire abolition of corporal punishment; but, notwithstanding, these opinions, the gallant General, the moment he was charged with the responsibility of commanding a force, thought it right to establish the system. Instead of finding fault with the gallant General for this, he gave him credit for it. He thought the gallant General did what was right. He was one of those who for sixteen or seventeen years had incurred unpopularity, and lost the support of many of his constituents, by maintaining his conscientious opinions on the subject. He believed that without corporal punishment the discipline of the army could not be maintained. He must also do the gallant General the credit to state that, before he came into Parliament, he had always been opposed to corporal punishment, and therefore it was far from him to say that the gallant General, on coming into Parliament, had altered his opinions. He recollected that when the gallant General was elected for Westminster he came in upon the shoulders of the right hon. the President of the Board of Control on this very question. The fact, he believed, was, that the right hon. the President of the Board of Control, when he filled the office of Secretary at War, had preferred doing his duty to the Crown to conceding to his constituents the abolition of flogging in the army; and in so doing he incurred that unpopularity which turned him out of his seat for Westminster. He thought this circumstance ought, at least, to have caused the hon. and gallant Officer who succeeded him in the representation of that city to act with very great caution when he found it necessary to adopt this practice in regard to the Legion in Spain; and he should be extremely glad if the hon. and gallant Officer, in his reply, would take occasion to give some explanation in reference to the points which he had referred to on this subject—an explanation which he thought was essentially demanded by the circumstances, lest on any future occasion, when an officer might be going abroad in command of troops, he might fancy that he was empowered to flog the men under him at his mere caprice and discretion. That such had been the case in the Legion he thought was so clear as to require no additional statements from him; they had, however, the evidence of Colonel Dixon, who stated that whenever a man came on parade with his coat dirty, or whenever his coat was not properly folded up, he was turned out and got his two dozen lashes; so that ten or fifteen men were often served in this way. With respect to the conduct of the men, he had, last year, stated that the men were in a state of mutiny, and that, in his opinion, this was mainly owing to two circumstances, namely, the want of pay, and the dispute about the terms of their service. Lieutenant Shaw said, that the corps was in a downright mutiny on several occasions, and refused to go on board when they were ordered. On one occasion, General Evans (he said) was blamed for not sending men to Bilbao; but why did he not do so? Because on a former occasion when he was required to send some men to Santander, the men mutinied on the march to the port, and afterwards, when they had arrived at Santander, they again mutinied; but on receiving their pay they were more quiet. He (Sir Henry Hardinge) thought, therefore, that it was evident that it was not from any bad feeling, any inherent principle of insubordination in the men themselves, that they mutinied, but because they were not paid, because they were not treated as they should be, and desired to be, by the Spanish government; this, and this only, was the cause of the unfortunate state of mutiny into which they fell. General M'Dougal, who was one of the best officers in the service, and who had seen a great deal of service in the Peninsular war, said of the men at Vittoria, that he never saw men bear their sufferings with more patience and submission, and that he believed there was no cause of complaint amongst them but what arose out of the conduct of the Spanish government. With regard to the Durango decree, the gallant Officer in his speech, seemed to insinuate, that the party opposed to the Government had palliated this decree. So far from this being the case, he had never said a word in its defence; on the contrary, he had always denounced it as a diabolical decree, and had declared that Don Carlos, by enforcing it, had disqualified himself from sitting on the throne of Spain. He had never said a word in justification of the murder of his own countrymen in Spain; but he had heard statements of atrocities committed on both sides, which would fill any one with horror. A gentleman called upon him the other day whose son was in the cavalry, (the 2nd Lancers) at Logrono, and who stated, that the practice was to surround the Carlist villages at night, and when the men inhabiting them were taken, they were generally put to death. But on the subject of the Durango decree, the hon. and gallant Officer would surely recollect his own letter to his constituents some time back, in which he said, that "this was the first time that a great power like Great Britain had allowed itself to be treated in this way, and that when he returned to this country he would do something to rectify it." Against whom was this taunt directed? Not merely at Gentlemen on the Opposition side of the House, but at the noble Lord, at the head of her Majesty's Government. As the hon. and gallant Officer, however, had not impugned the statements which he (Sir Henry Hardinge) had made, of the manner in which the war was carried on in Spain, he should not trouble the House further on these points at present, but proceed to a few other of the points contained in the hon. and gallant Officer's speech. The hon. and gallant Officer, in the course of his explanation of the disaster at Hernani, said, that this was the only one which the Legion had experienced; that all armies were subject to retreats; and that the Legion, after their first retreat, again rallied, and that the loss of the day was only four hundred men. But, he thought, it could be shown that the exertions of the men to maintain their ground on this occasion were not very great. Nothing, however, could be more disparaging than the account given by the hon. and gallant Officer himself in his dispatch. The hon. and gallant Officer's dispatch stated, that the first battalion was the first to give way; that they retired from the ground at a time when they might have destroyed the enemy; that the disorder thus occasioned, gained ground until it affected the rear; that the men became intermixed so that it became impossible to rally them. Such was the hon. and gallant Officer's description of the defeat at Hernani; yet this defeat, it should be recollected, took place at mid-day, in the face of forces not superior to their own, and who were fatigued by their previous march. The total number of men under the command of the hon. and gallant Officer was 14,000; besides which, he had sixteen pieces of British artillery well manned, and nine or ten of Spanish artillery, making altogether twenty-six pieces of artillery, whilst the Carlists had only three pieces of artillery in all. Under these circumstances, he thought that he had not been very far wrong in describing this event as one unprecedented in the history of warfare. At the same time, if he had ever said anything which savoured of unfairness towards the men or officers of the Legion, he was very anxious to atone for it; he had before this, borne testimony to the good services and conduct of both officers and men; but what could he say in their favour after reading the dispatch of the gallant Officer himself? At the same time, however, he repeated again his conviction that the fault generally was not attributable to the men, but to the state of mutiny to which they had been reduced by the ill-treatment they had experienced from the Spanish government, and the habit of ill-discipline into which they had fallen in consequence. It was not his intention to enter at length upon a military discussion of this subject: but as the hon. and gallant Officer had justified the military operations in which he had taken part, by stating that the three armies of the Spanish government contemplated attacking the Carlists from three distinct points, namely, Pampluna, Bilbao, and Hernani. He submitted, with all respect and deference to the hon. and gallant Officer, that there could not be any safe co-operation in military proceedings without a safe communication between the co-operating generals; and that no such safety of co-operation appeared to have existed on the present occasion, for that each of the three Government forces was inferior in strength to the Carlist force which separated them from one another; neither of the Government forces exceeding 14,000 men, whilst the Carlist force was 30,000. When the hon. and gallant Officer referred to instances in history of retreats, he appeared to confound disasters on the field with retreats, which, however, were very different things. A disaster on the field was always a misfortune, whilst a retreat might, under circumstances, be one of the most glorious of military achievements, both in its conduct and consequences. But he believed that this might safely be affirmed of the British army in the Peninsular war, that they never attacked a position which they did not take, nor ever defended a position which they did not hold. The hon. and gallant Officer had instanced the case of Almanza; but he would beg just to relate an anecdote of Bonaparte in reference to this event. Napoleon was on one occasion remarking that the British force were stoutly defending a position in which it had been vigorously attacked. "Yes," said General Foy, "these English always keep a position when they get it." Napoleon said it was always so. He knew of no instance in history to the contrary. "Yes," said General Foy, "there was the battle of Almanza." "But at that battle," replied Napoleon, "the French army was commanded by an Englishman (the Duke of Berwick), and the English by a Frenchman (Rouvigny, Earl of Galway)." He thought he had now said sufficient in order to show that the conduct of her Majesty's Government in regard to Spain had been most erroneous and disastrous. There was only one other point on which he had to say a word before he sat down. The hon. and gallant Officer had said, that the fondness of Gentlemen on the Opposition side of the House for Spanish discussions appeared to be subsiding. He could assure the hon. and gallant Officer that this was not the case. He and his Friends around him felt that the policy pursued by her Majesty's Government had been bad—that the lives of their countrymen had been thrown away in an unjustifiable manner—that discredit, in spite of all which could be urged in explanation, had attached itself to the officers and men of the Legion—that misery and ruin had been entailed upon a great number of valuable officers and men, subjects of this kingdom; and he thought that they should not be doing their duty unless they took steps to mark, by public protest, the disapprobation with which they contemplated the conduct of the Government in respect to the affairs of Spain. He had great pleasure, therefore, in anticipating that at an early opportunity the noble Lord, the Member for East Cornwall, who was instrumental in procuring the treaty called the Eliot convention, promised to bring forward a motion on the subject of Spanish affairs, when he would take the sense of the House upon the subject.

Lord *Eliot* said, that as his hon. and gallant Friend had informed the House that it was his intention on an early day to bring forward a motion affecting the policy of her Majesty's Government in respect to the affairs of Spain, he rose for the purpose of saying a very few words as to the purport of the resolution which he intended to move, and how he proposed to bring the subject before the House. He could assure the House that it was from no overweening sense of his own abilities he was induced to undertake this task, but at the suggestion of several friends to whose opinions he was accustomed to pay great deference, and who assured him that, having been commissioned from this country to Spain for the accomplishment of the convention to which his hon. and gallant Friend had alluded, it would not be altogether unbecoming in him to come forward to introduce a motion on this subject. With regard to the military conduct of the hon. and gallant Officer who commanded the Legion, that was a point upon which he was not prepared to enter. With respect to the occasion which existed for his motion, he would remind the House that since this question had been last discussed, a new Parliament had been elected, and he thought it highly desirable that under these circumstances a public expression of the opinion of Parliament should be obtained.

Sir *Hussey Vivian* said, that as the hon.

and gallant Officer, the Member for Westminster, had been some time on his staff as a general officer, this circumstance might be pleaded by him as an apology for rising to address the House on the present occasion. When this question was last touched upon by his hon. and gallant Friend opposite, he ventured to express his conviction, that the hon. and gallant Gentleman, in whatever he might have said, had intended to say nothing which should wound the feelings of his hon. and gallant Friend, the Member for Westminster, and he was delighted to perceive in the mode and temper in which the hon. and gallant Member had to-night spoken, that his assurance upon this point had been fully borne out. It was not his intention to go into the particulars of the British co-operation in the affairs of Spain, but he would declare his opinion, that the assistance which this country afforded to Spain was that which the latter had every right to expect from us by virtue of existing treaties. It was predicted during the late European war, that the next war which took place would be a war of opinion, and he was delighted to see that in this war of opinion, which had already commenced, England had been found foremost in giving her assistance in support of a constitutional government in Spain. He did not intend to defend the conduct of the Spanish Government in regard to the Legion; he was fully aware of the sufferings which the latter had endured at Vittoria, and he believed that they were greatly owing to the want of proper attention and treatment on the part of the Spanish Government. But he feared that in time of war the sufferings of our own army had frequently been as severe. He believed that he should have no difficulty in showing, were he inclined to enter upon the subject, that after long marches and fatiguing campaigns, the sick were as numerous and suffered as much as amongst the troops which were commanded by his hon. and gallant Friend. With respect to the practice of corporal punishment, he was not prepared to say whether the measures of his hon. and gallant Friend were strictly in accordance with the articles of war; but, at the same time, he thought that very great allowance should be made for the extraordinary circumstances in which his hon. and gallant Friend was placed, having under his command officers and men, the greater number of whom had never served before, and who had been previously altogether unacquainted with one another. He did not know whether the provost system was recognised by the articles of war, but he always understood that it was enforced when the army was in the field, and he believed that his hon. and gallant Friend had done no more than to extend its operation under some other circumstances. On no occasion, however, had his hon. and gallant Friend inflicted capital punishment. He did not wish to institute any comparisons between the Duke of Wellington and his hon. and gallant Friend. He could not help remarking, however, that it was from the outset greatly to the disadvantage of his hon. and gallant Friend to come upon ground whereon that great commander had achieved such glorious renown for the British arms. This was a circumstance much against his hon. and gallant Friend; and when, in addition to this, the nature of the troops which he had to command was considered, men drawn together from all parts of the country, most of whom had never carried a musket before, with a mixture of a few of the worst of those who had served in the army, and landed at once in a foreign country where every man they met was their enemy. [*Hear, hear!*] He understood that cheer from the Gentlemen opposite. He supposed hon. Gentlemen meant to insinuate that these men ought never to have been landed there. But he must say again, that he was glad that this country had given assistance to a nation which had a right to demand it under existing treaties. He could revert, if he thought proper, to the misfortunes which characterised the early part of the late war—but he would not do so, as the stigma which had been entailed by them upon the British renown had been subsequently wiped away by the glorious achievements of the Duke of Wellington. With regard to the general conduct of the Legion, he believed he might assert that, out of sixteen occasions on which they had been engaged with the Carlists, they had only experienced defeat twice. The affair of Fontarabia was intended for a mere demonstration, and when it was ordered, his hon. and gallant Friend ought properly to have been in his bed; but this he would not submit to, but took his place on the field; and when he found that the place could not possibly be taken by such a force as that under his command, he very prudently retired. The affair of Hernani was undertaken by his hon. and gallant Friend, who saw the necessity for effecting a diversion in favour of General Espartero. Circumstances enabled the Carlists to direct all their forces against his hon. and gallant Friend, who was not prepared for the severity of the attack which was made upon him by the Carlists, whom he suddenly met at the top of the hill. The troops first in advance suffered a repulse, which being perceived by those behind them, they began to retreat also, and the consequence was, the confusion and disaster which they had heard of. After a short time, however, order was re-established, two regiments of the Legion remained on the field for two hours after, and the Marines took up their position in the rear, and rendered an important service in the results of the day. It had been said, that the Marines alone saved the army. He did not wish to do an injustice to this brave corps, but he was sure that the officers and men of the Marines themselves would not wish to engross a larger share of praise than they were entitled to at the expense of the brave men with whom they co-operated on the occasion. An instance of the courage and moderation of the men of the Legion he would mention. After their retreat, they recollected that in a house which they had left in their rear, some of their comrades had been suffered to remain; a body of the Legion immediately went back to rescue their fellow-countrymen; but when they arrived at the barn they found that they had been massacred by the Carlists. Some of the men were for immediately avenging the deaths of their friends by slaying the Carlists; but a Scotch corporal who was with them interfered, and succeeded in saving the lives of the latter. Now, this he maintained was a circumstance which redounded greatly to the credit of the Legion. On another occasion some men of the Legion had been put to death by the Carlists by a cruel process of torture; some of the Carlists were subsequently taken by the comrades of the former, but their lives were spared. With respect to the gallantry and courage of the Legion, he would refer to the actions of the 10th, 14th, and 15th of March, when they attacked the Venta Hill. Where, he would ask, was more gallantry displayed by any troops than on that occasion? There were many other occasions on which the deeds of the Legion were such as did honour to their country. At Irun, for instance, they were not aware at first how strongly the place was barricaded, and after twenty-four hours of siege, when a storm was ordered, the men got ladders, broke through the houses one after another, and when they came to the Piazza, where the inhabitants were congregated, they obliged them to capitulate, but spared their lives. He must again express his satisfaction that his hon. and gallant Friend opposite, in what he had said on this subject, had not in any way disparaged the character of his hon. and gallant Friend who commanded the Legion. The Legion had been maligned by a profligate press, in a manner which no Englishmen deserved. He thought it right to pay a due tribute to the gallantry of this corps, which he had heard attested by eye witnesses, of their services. He was convinced that, however party spirit might depreciate their conduct for the present, the time would come when the men, and his hon. and gallant Friend who led them, would be universally considered not to have acted in any way unworthy of the country to which they belonged.

Viscount *Mahon* felt called on to make a few observations, with a view rather to set the hon. and gallant Officer right in respect to himself, than of protracting the debate. He had no complaint to make in regard of the manner in which the hon. and gallant Officer had introduced his name into the observations he had thought proper to make—it was marked with courtesy, and he hoped that in the same spirit it should be met by him. The hon. and gallant Gentleman had said, that he had stated on a former occasion, that a great number of the Legion had at one time gone into action drunk. Now the fact was, that he had never stated any such thing. He had no authority for doing so, and without good authority he would never think of making such a statement. The hon. and gallant Gentleman had also said, that he and those hon. Members on his side of the House had reserved all their pity for the soldiers of the legion, as regarded the stoppage of their pay, until the Spanish government, by refusing to pay them, left them in distress; but he could speedily convince the hon. and gallant Gentleman that such was not the case, especially as regarded himself; for in the debate of the 24th of June, 1835, he had expressed a wish to know who would secure to the soldiers of the Legion the pay for which they had contracted. He had also showed, that many of the men had joined that corps in the belief that their pay, and all other contingencies, were guaranteed by the British Government, and that it would be a great hardship on them to find no compensation when they had given their services; and no mode of recovering it in case anything should occur. He was not competent to enter on the military part of the question, and, therefore, those were the only parts of the hon. and gallant Gentleman's speech which he felt called on to answer. The political question involved in the whole transaction would be a subject of discussion on a future day; and he should reserve any observations he had to make on it until then. While, however, fully admitting, that the Legion behaved gallantly on many occasions, he could not conceal from himself that they had, on the whole, been involving the credit of the country without any advantage to the party for whom they fought. At all events, he trusted that the House would ask the noble Lord opposite (Palmerston) how, with no military glory acquired, and no advantage of any kind obtained, he could justify the sacrifice of British treasure and British life which had taken place in Spain under his auspices?

Mr. *Tennyson D'Eyncourt* condemned the negligence of the Spanish government in permitting such a state of hostility to the Legion as had been manifested in Spain; but at the same time he considered her Majesty's Ministers had acted with good faith in keeping the terms of the treaty with it. The topic, however, which he should touch on was the deficiency of the payment. There was no doubt whatever that the Spanish government did not do right on that subject. The men of the first Legion had never received the gratuities which had been promised them on their enlistment, though they had received their pay; and the officers had received pay for one year only—the first—the second year being wholly unremunerated. A great number of the men of the second Legion, he believed, were now at large on the shores of Spain, in the extremity of distress described by the hon. and gallant Officer opposite. The feelings of his noble Friend (Lord Palmerston) he well knew, when it was asserted and uncontradicted, that these men had been invited to enlist in the Legion by the Order in Council; and he thought, therefore, that every attention should be paid to the claims of these deserted individuals by his noble Friend. He hoped that an effective commission sitting in this country would be the result, and that a large proportion of what was owing to these poor creatures would be paid. It was the bounden duty of her Majesty's Government to enforce on the Spanish government the necessity of keeping faith with these hapless men, who had poured out their blood in its service. If the noble Lord failed in this object, then he might rest assured that a feeling of disgust would arise in this country which would render it difficult, if not impossible, for him to continue the friendly relations which at present prevailed between this country and Spain. At this moment there was not less than from 200,000*l.* to 250,000*l.* due to the Legion.

Sir *R. Inglis* would take that opportunity of expressing his opinion in the presence of the hon. and gallant Officer. No person had a right to destroy life without lawful commands, but he denied the legality of the commands in the present instance. Allusion had been made to an Order in Council, but, if that allusion were correct, it would only be transferring the guilt from the hon. and gallant Officer to the Government. He had not heard the gallant Officer justify himself by the Order in Council. What offence, he would ask, had warranted his attack on the Basque provinces? If the attack were made by Government stipulation, Government had done too little; if not, it was a murder on a great scale. He had stated these opinions last year, and had said, that he should be glad to hear an explanation from the gallant Officer, and he now repeated the statement in his presence. With respect to the policy of the noble Lord (Lord Palmerston), he would defer expressing his opinions until the motion on the subject, of which notice had been given, was brought before the House.

Colonel *Davies* was understood to say, that, notwithstanding the moral degradation some parties felt inclined to attribute to the government of Spain, he thought that the British Government had acted discreetly in supporting the cause of civil liberty in that country.

Captain *Boldero* said, that the hon.

Member for Lambeth had thrown most properly the whole blame of the failure of the Legion on the Spanish government; for he certainly thought, that the hon. and gallant Member for Westminster was not to bear the whole responsibility of it. At the same time, it was his opinion, that the hon. and gallant Member ought, immediately on his arriving in this country, when he first took his seat, to have placed on the order-books of the House a list of the claims of the officers and privates that remained unpaid. When the Legion left this country, the commissariat and medical department had not been properly attended to; and he would just inquire, whether the force sent out to Canada would be equally unprepared? In his opinion, the whole evil which had attached to the Legion was attributable to the treatment they had received at Vittoria. When they were ordered to march to that place, they found, on their arrival, the barracks already occupied, and they were compelled to encamp in places about the outskirts of the town. Soon after the French Legion arrived; but where were they billeted? Why, in the town; and if the gallant Member had shown the same determination as the French commander, his troops would have been equally fortunate. The troops were almost enticed to leave this country, and when they arrived in Spain, this was the treatment they had met with. Such a kind of warfare must have had a most demoralizing effect on them. Now, the gallant Member, in his address to his constituents, had said, that the war in Spain was not a civil war, but one of principle. Why, what was it but a civil war? When two parties belonging to the same country were contending for the crown, the contest in which they were engaged was, undoubtedly, a civil war. With respect to the marines, to whom he had alluded on a former evening, he hoped the gallant Member would bear witness to the eminent services which they had performed. This was a subject in which he felt great interest, and he had only to refer to a dispatch of the gallant Member of the 16th of March, to show that the gallant Member had thought that the marines had done their duty in a most efficient manner. Looking back to the whole course of the proceedings in Spain, he was of opinion, that the Government should withdraw their assistance and countenance from the contest, and let the blood-thirsty scoundrels of that country fight it out for themselves. Reference had been made to the case of Captain Napier, and an analogy had been attempted to be drawn between the two, but he thought them by no means similar, and it must be remembered, moreover, that the same breath which had struck that gallant Captain from the navy list, had promised, also, to re-insert his name on his return. He had bravely attacked Don Miguel's navy, and did he leave his men in the lurch? No; he had seen all of them properly settled with before he left Portugal, and if he could not have done that, he would rather have run away with them than have left them behind. But what had the gallant Member for Westminster done? Why, he had left his men at St. Sebastian to the mercy of the Spanish government, and afterwards an order came from that government to ship them on board of ships at the point of the bayonet, because they refused to leave without their pay. Then, again, the Spanish government had paid some of them, but had not furnished ships for them to leave, so that they had no alternative but to enlist in the service again. General O'Connell had behaved very differently, and had acted in a most liberal and manly manner towards his men. The hon. Member concluded by saying, that, from beginning to end, the expedition of the gallant Member for Westminster had been a total failure.

Mr. *C. Wood* felt himself called upon to rise in consequence of an observation of the hon. Gentleman who had just sat down, to the effect, that the course pursued by the Spanish government had tended to force the men of the Legion to re-enlist in their service. He had before him a letter from Lord John Hay, which gave a most positive contradiction to such an assertion. Lord John Hay, it appeared, had taken the disbanded men of the Legion under his protection, and no man, except by his own free will, to ascertain which every possible means were taken, had been suffered to re-engage. About eighty of the best men of the old Legion had re-entered, and the reason they had given for doing so, was their present attachment towards the officer whom the Spanish government had selected to command the new force. He should only further say, with respect to the allegation of his hon. and gallant Friend having deserted his men without seeing them paid, or transports provided for their return home, he knew it to be a fact, that every non-commissioned officer and private of the Legion had received the full amount of pay due to him up to the day of his discharge, together with marching money to the place where he had been enlisted; and, moreover, that all the pensions, whether to officers or men, for wounds received in the service, or to the widows of those slain in action, had been regularly paid, he believed, up to the present hour.

Viscount *Palmerston* said, that as the noble lord (Lord Elliot) had given notice of an intention to bring the general question of the policy of the Government in regard to Spain under the consideration of the House, he should not on the present occasion enter at all upon the political part of the discussion which had taken place, but should reserve for that occasion any thing he had to say upon that subject. On the part of the Government he was perfectly ready to meet the noble Lord's motion whenever it was brought forward, and he was equally satisfied that he would then be able to prove to the satisfaction of the House that the policy towards Spain had been both expedient and honourable. Upon the military part of the question before the House it would be great presumption in him to offer any opinion of his own; but still he must say, that, as far as an individual not of the military profession could judge, he thought his hon. and gallant Friend had completely succeeded in not merely vindicating—if vindication were necessary—his own conduct, but had repelled the imputations that had been thrown on the officers and men under his command. As far as that House was concerned nothing had passed within its walls to call for the vindication his hon. and gallant Friend had thought proper to make; and if there had been attacks made upon him in other quarters, he thought the statement they had heard that night was calculated to secure him against their repetition. In the course of the debate an hon. Member had called the attention of the House and of the Government to the claims of the officers of the Legion upon the Spanish Government, and expressed a hope that the matter might be taken up in their favour. He begged to say that the attention of the Government had already been directed to the subject. It was true a very large sum was owing to those officers, but the precise amount had not been ascertained; as yet no detailed accounts had been rendered to the Spanish Government. He had, however, through the British Minister at Madrid, most urgently applied to that Government to take steps to settle these claims, whatever their amount might be, and he was happy to add, that this appeal had been attended to. At one time the Spanish Government proposed a commission to inquire into these accounts at Madrid—at another time they nominated a commission at St. Sebastian; but at length it had been decided that the inquiry should take place in London, which on every account was more convenient, as the parties would then be on the spot. The Spanish Government had also promised, without waiting for the termination of the inquiry, to send to this country a sum of money to make payments on account of the officers' claims. It had been correctly stated by his hon. Friend near him that the claims of all the non-commissioned officers and privates had been paid up to the period of their discharge, and that marching-money, according to the regulations of the British service, had been paid to them, and that what was due to them was only the gratuity promised by the Spanish Government. All pensions likewise had been paid, and though the officers were in arrear of pay, their field allowances up to the expiration of the service had been discharged. It had been said, that the only fitting comparison for the sufferings of the Legion in Spain was to be found in those of the force under Sir Henry Clinton in Portugal. This he was far from admitting. The force under Sir Henry Clinton was not engaged in any military operations, and their services were in no point of view to be compared with those of the Legion. He thought the only parallel to the career of the Legion was to be found in that of the army under the Duke of Wellington during the Peninsular war. He had only farther to state, that he had no objection whatever to the production of the papers moved for. Upon the general question of the Government policy in regard to Spain, he repeated he should reserve himself, until the noble Lord should bring forward his motion, of the precise nature of which he hoped due notice would be given.

Sir *De Lacy Evans*, in reply, said, that he had heard so little affecting the statement which he had taken the liberty of submitting to the House, that he should have no occasion to trespass on their indulgence but with one or two observations. The hon. and gallant Member for Chippenham (Captain Boldero) had expressed good wishes for his health and happiness; and he could not but feel assured that whatever sentiments he had dropped were expressed in good feeling, and that part of his address, therefore, should not induce him to make any comment on it. The hon. and gallant Officer, in his observations on the subject of the Legion, had referred to the period (the 10th of June, 1837), when he (Sir De Lacy Evans) left St. Sebastian. At that period the term of service of the Legion had actually expired. He (Sir De Lacy Evans) certainly had, therefore, no authority over, nor any control, of those men. They were waiting, in fact, to receive the pay which was at that time on its way from Madrid to be issued to them, after which they proposed to decide as to whether they would or would not enter into a new engagement with the Spanish Government. With that new engagement or the formation of the new Legion he (Sir De Lacy Evans) had no connection or responsibility whatsoever. The men were free agents, and were quite at liberty to re-enlist and enter into a new engagement if they thought proper, though a large number did re-enter the Spanish service, and those who desired to come away were furnished with ships and were brought to this country. The ground of imputation brought forward on that head by the hon. and gallant Gentleman was, therefore, entirely imaginary. But the fact was, that the tenderness and affectionate regard at present evinced by hon. Gentlemen opposite towards the Legion were so great that nothing seemed adequate to satisfy them unless these men were withdrawn from the shores of Spain, whether the men themselves chose it or not. On the subject of the observation of the noble Lord, the Member for Hertford, he had not in the slightest degree intended to impugn the authenticity, merit, or impartiality of the noble Lord's historical work which had been adverted to; neither had he meant that the noble Lord had suppressed or concealed any of the facts concerning the disaster which had occurred to the noble Lord's ancestor, General Stanhope. What he had merely meant to convey was, that the same measure of candour shown by the noble Lord to the case of his own relative was an indulgent feeling not quite so manifest when he came to pass his strictures upon the Legion. With regard to the statements of the right hon. and gallant Member for Launceston, he saw nothing in them which called for particular observation on the present occasion. He had culled a number of statements from pamphlets, the authors of which were obviously hostile in their motives to him (Sir De Lacy Evans); and their purport seemed to be for the most part a description of the distresses and horrors to be witnessed in military hospitals. But if any body had thought proper to paint descriptions or write pamphlets on the distressing scenes exhibited in the hospitals in the former war of the Peninsular army, or of any other army, equally melancholy and equally harrowing pictures might at all times have been painted with at least equal truth. On the subject of the provost system alluded to by the hon. and gallant Gentleman he must surely have forgotten or not heard the extracts read by him (Sir De Lacy Evans) from the letters of the Duke of Wellington, and which observations of the Duke of Wellington particularly pointed out his Grace's doubts as to the strict legality of the provost system. He had himself avoided all corporal as well as all capital punishments and the extension of the provost system was in accordance with the opinion expressed by the Duke of Wellington of the total impossibility of maintaining discipline in the field without the aid of that system. As for his opinion on the subject of the abolition of corporal punishments, it remained exactly the same as it previously had been, and which the right hon. and gallant Gentleman correctly stated. He was of opinion, however, that it must be abolished in the first instance in the home service before it could be dispensed with in the field. His evidence before the Royal Commission on this subject was on record, and it described in detail his view of the mode in which this reform might be accomplished, and was in every respect completely consistent and in accordance with what had occurred in Spain. It was also in unison with the opinions of every one who advocated the repeal of that punishment. The hon. and gallant Gentleman, after observing that this subject could be more fully gone into on the Mutiny Bill, concluded by thanking the House for the patience and attention with which he had been listened to, and sat down amidst loud cheering.

Motion agreed to.

REGISTRATION OF VOTERS (IRELAND).] Mr. Sergeant *Woulfe* rose to move for leave to bring in a Bill to amend the laws relating to the Registration of Voters in Ireland. As the registration law now stood in Ireland, a party claiming to register was obliged to go through a process established on two most important occasions. One was the occasion of passing the Catholic Emancipation Act, when an Act contemporaneous with that measure was passed to regulate the freeholders of Ireland. By that Act, it was provided, that every person claiming to register, except 50*l.* freeholders, and clergymen claiming from their glebe lands, should lodge a public notice at least thirty days before the Quarter Sessions, stating his intention to make such claim, and pointing out the nature of his qualifications. He was then to attend at the Sessions, for which he gave notice, and then to submit to a personal examination by the revising barrister as to his claim, producing, at the same time, all his proofs of title; and whether objected to or not, it was made incumbent on the revising barrister to examine narrowly into the nature of the qualification. Such was the system of registration established by the 10th of George 4th; and upon the occasion of the passing of the Reform Bill, so satisfactory was it deemed to be, that it was determined not to alter it. The system, it must be admitted, was a little rigorous as compared with that in use in England; but as a kind of mitigation of its greater severity, a clause was to be found in the Act under which it was established, giving an appeal from the adjudication of the Revision Court whenever that adjudication chanced to be unfavourable to the claimant. When the decision was in his favour there was no appeal from it, but when against him he might bring his claim before the Judge of Assize, who under the Act had power to reverse the barrister's decree. This arrangement, he considered, called for revision, and accordingly one of the objects of his bill was to give the power of appeal as well on one side as the other. There was then another part connected with the Irish registration system with which he proposed to interfere. As the law now stood in Ireland, a party once registered, notwithstanding that he might have parted with his freehold, changed his domicile, or done any other act whereby he parted from his qualification, continued on the register for a period of eight years, and on producing his original certificate of registry, and taking an oath that he had not parted with his qualification, might vote at an election. This, he thought, was highly inconvenient; and, therefore, he proposed by the present bill, that a party registered might be, at any subsequent registration, struck off the registry, on receiving proper notice of the fact, for any reason growing up subsequent to the original registry. He proposed that the Registration Court, instead of being held four times a-year as those which were now in existence were held, should be held only once in the course of each year; for there was a certain degree of excitement consequent upon the sitting of the courts to decide upon matters of this description, which rendered the recurrence of such an event as seldom as possible highly important. It was on this ground, therefore, that he had rested his present proposition; and, as the most convenient season for all parties, he had chosen the long vacation, or the months of September and October, for the sittings, the courts being held in each county and in the principal part of each county, in order that the registry might be inquired into in as convenient a mode as possible. Then, with respect to the constitution of the court, he proposed that it should consist of one judge or registering officer, and that the same registering officer should not sit in two counties in two successive years, but should go by rotation to undertake the duties of his office in a different part of the country, and thus the arrangement would be made on such a principle and in such a manner as that it should be shown to demonstration that the officers were not selected for any particular places, with any particular party object. Indeed, this would be sufficiently shown on the whole of the details of his plan being known, for the duties of the registering officer would be performed by the assistant-barristers, who were already appointed. At the same time that he mentioned this, however, he did not mean to say, that the assistant-barristers should pass from county to county in their capacity of assistant-barristers; but they would be left in that office as permanent officers, and they would only migrate in their capacity of registering officers. An objection might be made with regard to the selection of particular individuals, but this he considered was met by the course which he had adopted; for if he had not taken the line which he had suggested with regard to the assistant-barristers, there was only one other thing which could be done, and that would be by the appointment of new officers for the situation. This, however, he did not think desirable: for, in Ireland, there were already officers in existence who were accustomed to the duty, and who had been before considered the proper persons for the purpose. Besides, if the revising barristers who were to act were to be appointed by the Crown, the plan would at once, he was sure, meet with the opposition of hon. Gentlemen on the other side of the House, who would be hostile to such a measure, as being likely to induce feelings in the minds of the judges most unfavourable to the interests of the public. Then it might be suggested that the barristers should be appointed, as was the case in England, by the judges; but to this, he must offer a most decided objection. He had a most reverential respect for the judges of England, and had every confidence in their impartiality; but the difficulty in the case was this, that it was impossible for the judges in Ireland on such questions to be supposed to be without a party feeling, and, therefore, however anxious they might be to act with a strict feeling of justice between the different parties, yet the ideas of the people would be so strong, that it would be impossible that that degree of respect should be had for the bench which its position in the state required. He considered that he consulted the interests of the judges themselves best by not giving them the power to which he referred; and he had reason to believe, that it was a power which the judges did not desire to possess. So much, then, for the constitution of the Registration Courts, and he would now come to the formation of the Appeal Court. At present, the appeal was to the Judge of Assize, and it was confined to one branch of the question. He proposed, however, that the right to appeal should not be confined to those whose votes were rejected; but that it should be extended also to those who objected to votes, and in consequence of this measure, and the general nature of the business, there would be insuperable objections to the Judges of Assize being the parties to whom the appeal was to be made. The Judge of Assize sat in places often at a distance of sixty or seventy miles from various parts of the counties in Ireland, and it was too much that all the voters, many of whom were poor, and unable to travel any distance at their own expense, should be called upon to go so far merely to uphold their votes which had been given or withheld by the assistant-barrister. It would be a grievance too heavy to be borne, and it would in reality have the effect in many instances of putting an end to the franchise in Ireland; and it would, therefore, be quite inconsistent with the continuance of the franchise to the constituencies to give the appeal to the Judge of Assize. The very mode in which the Judge transacted business, the nature of his business, of his having reference to matters of life and death, and attended frequently with the transfer of very large amounts of property, prevented the possibility of their paying that attention to the business of registration which it required; and this objection would appear the more strong when the provision of the bill was considered by which the appeal against the admission as well as against the rejection of votes was given. It proposed, then, that in matters of law the revising barristers should state the case in writing, in a clear and specific manner, and this statement should be transmitted to the courts of law in Dublin, where it should be decided; and to this provision, he thought there could be no objection, for it could not be said that the mode of appeal had been formed with any other than a desire to establish the best tribunal which could be framed. With regard to matters of fact, they were much more minute in Ireland than they were in this country, and the principal matter of fact which arose for consideration was the question of value. Now, with regard to this question, it was impossible to be inquired into except on the spot on which it arose, with any degree of certainty, in consequence of the difficulty and trouble attending the transportation of witnesses, for an acquaintance with the facts proceeded from a habitual knowledge gained on the spot. It was with a view, therefore, of providing the best means of inquiry upon this head, that he proposed that the Court of Appeal should consist of two assistant-barristers, and that this Court, also, should be constituted in such a way as that the judges should have no bias or personal feeling whatever, and as that no two should sit in the same county in two consecutive years. The assistant barristers would thus correct the judgment of the inferior tribunal so far as possible. He was fully aware, that if the judges could attend to such matters, it would be much better; but he felt, that any objection which could be made to the plan which he suggested, would be specious rather than otherwise, for the case was precisely similar to that of the appeals, which existed now from the decision of a single judge to the whole bench. This was the outline of the plan which he proposed in his bill, and it was not his intention to go into the objections which might be offered to its various clauses, which he thought would be better and more appropriately considered by the House when in Committee, than now, on a preliminary motion for leave to bring in the bill. Independently of the various changes in the law, however, which he had already pointed out, he intended that the bill should contain provisions declaring what was the law of several distinct points, and to this part of his bill, there was no doubt there would be some objections. Different constructions would doubtless be put on various acts of Parliament; but at the same time, he should propose that construction to be put on the law which he considered most reasonable, and it would hereafter be open to objection on the part of those hon. Members who differed from him. The first point was with regard to beneficial interest, which was a subject treated of in a former bill, introduced in the year 1835, by the present Mr. Justice Perrin, and the present Master of the Rolls in Ireland. He did not expect that hon. Members opposite would agree with him on this subject, but he thought that every one would be of opinion that the law should be settled distinctly one way or the other, in order that the consequences, which were most pernicious which at present proceeded from the state of uncertainty in which it stood, might be remedied. He also proposed that the adjudication of the Registration Court, confirmed by the courts of law, or by the Court of Appeal should be final and conclusive on the right of registration at the time of the registry; leaving it, however, to the option of any party to come forward, and, on payment of costs, to apply that any person should be struck off for any act done since the registration. He proposed, also, that the existing constituencies should be governed on the same principles as future constituencies; and, therefore, that at the first registration which should take place after the passing of the bill, it should be competent for any person to serve a notice on any of the parties whose names were on the register, and he would be compelled, then, to attend before the Court to support his vote. This was the general outline of the measure; the bill was one of very considerable importance to the country; and one, therefore, which it was desirable should be passed into a law as soon as possible; but at the same time that he should urge upon the House the importance of its being passed immediately, he should not press it on with any undue force, by which the Irish Members, or other hon. Gentlemen who might desire to oppose it, should be prevented from offering their objections.

Lord *Stanley* agreed with the right hon. Gentleman in thinking that the present measure was one of very considerable importance, and he also concurred with him in pronouncing that this was not a fitting time to examine the details of the plan. He could, however, venture to assure him that the tone which he had employed in introducing this discussion, would be met by hon. Members on the Opposition side of the House in the same spirit. He agreed with the opinion expressed by the right hon. Gentleman, that it was impossible that the registration in Ireland should continue in its present state. But he must be permitted to correct an impression which the right hon. and learned Gentleman seemed to entertain, namely, that the present system of registration was deliberately re-adopted by the Reform Bill. So far from that being the case, that system had been characterised by himself and by other members of the then Government as full of faults, and it was only continued, because it was comparatively untried, and because it was designed, if possible, after the working of the system had been seen in England, to assimilate the law as nearly as the difference of circumstances between England and Ireland would permit. The first difficulty which presented itself in framing a system of registration, but a difficulty which struck at the root of the whole question was this; there was no test by which in the first instance they could regulate or judge of the value of land, and consequently there was nothing but hard swearing on the one side, to be rebutted by hard swearing on the other. A claimant was of necessity put forward to substantiate his own claim, much excitement of course arose, and much angry feeling, and, after all, there was no valid or sound test by which the value of the property could be estimated. He said this, because the right hon. Gentleman had laid great stress on the stringency of the examination to which the claimant of the franchise was subjected in Ireland compared to England. The right hon. Gentleman, had, however, forgotten that there was no guide to the value in Ireland such as existed in England, and that in England there was the best evidence that could be produced of the amount of value—namely, the amount of public burthens laid on the property in respect of which the party claimed to vote. The parochial overseer attested the fact, that the voter was subject to the parochial burthens. In England it was not because one or half a dozen people were ready to swear, that the house out of which the party sought to register was worth 10*l.* annually, that this right was conferred upon him. It was because the party gave the most convincing proof in his power, inasmuch as he subjected himself to the burthens involved in an assessment to that amount. This was a test of qualification which was worth twenty appeal courts. In Ireland, however, they found persons voting, because they were admitted to the exercise of this political privilege on the assumption of their possessing sufficient property, and excluded from the assessment for the local rate, at the same time, on the ground of their poverty. He did not seek to throw any difficulty in the way of the right hon. Gentleman, but when he saw a preliminary difficulty, he felt bound to state it at once. The right hon. Gentleman had declared his intention of passing this Bill through the House with the greatest possible expedition. He, on the other hand, desired that the Bill should be carried forward with the greatest circumspection and the utmost caution. He should like to see, before proceeding further with this measure the fate of another great Bill for the establishment of a regular assessment for the relief of the poor throughout Ireland. That assessment, if adopted, would give them a sound and solid foundation, as in England—not a qualification based merely upon sand. The right hon. Gentleman had told them that one of the greatest objections to the present system of registration in Ireland was, that according to the existing law, the appeal was all on one side, and he proposed to give the right of appeal against the franchise as well as in its favour. He also stated, that he would have these appeal courts limited in regard to the investigation which they should be authorised to institute; and that it was not all cases which should be brought before them; that cases of law should be referred to the judges, and cases of fact to these appeal courts. But he did not so distinctly understand the precise nature of this annual registration, which he admitted on the one hand, to be better in point of duration than registrations occurring at intervals of eight years; and better, on the other, than registrations taking place, as at present, every quarter. Indeed, the right hon. Gentleman himself admitted, that his system of annual registration was not altogether free from objection. He (Lord Stanley) wished to understand distinctly from the right hon. Gentleman whether it was his intention to propose that a voter once registered, and having secured the sanction of some one of these itinerant assistant barristers, which decision he would suppose to be again confirmed by two other barristers in rotation—whether it was his intention to propose that such a person should remain on the registry for life, without the chance of his vote being questioned?

Mr. Sergeant *Woulfe* said, that he meant the registry confirmed upon appeal to be conclusive as to all matters affecting the voter at the time of the registry; but that the power should be reserved of examining as to any circumstance arising after that period by which the position of the voter might be materially altered, such, for instance, as his losing his freehold.

Lord *Stanley:* Then, I am right. Except in such an extreme case, his vote remains during his lifetime unquestioned.

Mr. Sergeant *Woulfe:* I propose that the law should remain as it now stands, and that the registry should be a valid registry for eight years.

Lord *Stanley* readily admitted that this explanation diminished some portion of the force of his objection. But, he must declare his conviction that it would be decidedly better to leave the vote open to be questioned annually before different tribunals, than that it should remain unquestioned for eight years, because one tribunal had decided in its favour. The evil of the present system was, that when four assistant-barristers, he would suppose, rejected a voter's claim successively, when the judge also rejected his claim, a fifth assistant-barrister might step in at a subsequent period, and decide in the voter's favour. This evil was enhanced where there was no appeal; and a Committee of the House of Commons might be found to say that there should be no appeal. Now, this was an occurrence, which, although nearly incredible, might be almost daily witnessed. He was desirous to see a satisfactory system of appeal established throughout England, Scotland, and Ireland, and if he should happen to be placed upon any Irish election Committee, when he might have reason to apprehend a surreptitious intrusion of disqualified voters' names upon the registry, he should feel it to be his duty to vote in favour of opening the registry. He said so, because in the existing state of the law it was admitted on all hands that a remedy was needed, and this he believed to be the obvious remedy. This he believed to be one of the great causes of the corruption and perjury which had been charged against their election Committees. On the question of opening the registry nine-tenths of their decisions turned. Gentlemen on one side of the House were in favour of opening the registry; on the other side Gentlemen entertained a different opinion. He did not impugn their motives, though he could not conceive upon what grounds they came to such a conclusion. The moment that the ballot for an Irish Committee was struck, did they not all say at once how the decision would be? Why, this was what he said distinctly. If the success of the petition turned upon the question of opening the registry, and a Committee were struck, of Gentlemen the majority of whom were known to be opposed to the opening of the registry, it was perfectly well known that the petitioner had no chance. This, he repeated, was one of the grounds, and the uncertainty of the law was another of the grounds, upon which these charges were unjustly preferred against the election Committees of that House. As to the principle of a beneficial interest, the right hon. Gentleman might be assured that he would not succeed in establishing this point without the most serious opposition from hon. Gentlemen on the opposition side of the House. He was satisfied that this test was not intended when the bill was originally framed. The franchise which it sought to establish was totally distinct from that which was originally conceded to freeholders. It placed the leaseholders in a position totally differing from, and widely superior to, the holders of absolute freeholds. It was also clearly contrary to the intentions of the Reform Act. Again he assured the right hon. Gentleman that upon the point of qualification he must expect the serious opposition of hon. Gentlemen in opposition. It was most important, however, that the legal question should be settled. In discussing the details of the bill, he should act with the most dispassionate consideration—in the spirit of admitting the claims of all duly qualified electors, and of opposing all the obstacles that human ingenuity could devise to the swamping of the registry with a fictitious, fraudulent, and ridiculously insufficient, class of voters. He trusted, that the right hon. Gentleman would have less regard to expedition in this matter, and more to caution; and that he would bear in mind that he was dealing with a question of primary importance to the constituencies of England as well as Ireland, and affecting most materially the whole future policy and welfare of this great empire.

Mr. *Morgan O'Connell* regretted, that the noble Lord could not abstain from discussing a question of this nature in a spirit of party: The greater part of the noble Lord's speech was an argument in favour of the election committees opening the registers in case of disputed returns for places in Ireland. This, in his opinion had nothing to do with the question before the House. The language of the noble Lord might be very proper to address to an election Committee up stairs, but it had nothing to do with respect to their amending the law relating to registering Irish voters. Everybody agreed, that the register should be placed on a better footing, and he did not see what the observations of the noble Lord respecting the opening the register had to do with the bill. He believed, that the dislike of the present law was not confined to the Gentlemen opposite; for the decisions of the registering barristers were very much found fault with on the other side as well. The decisions of most of the Committees were influenced in a considerable degree by the very valuable digest published by Mr. Hudson. He trusted, that the provisions of the bill would be more calmly and coolly considered in a future stage.

Sir *R. Bateson* thought the observations of the noble Lord perfectly relevant. The present system was one which held out a frightful temptation to perjury. He trusted the right hon. the Attorney-General for Ireland would, as very easily he might, extend by this bill the benefit to Ireland already enjoyed in England, of taking the polls for counties at other places besides the county town. Good polling places could be afforded at the usual places where the quarter sessions were held, and a great saving of time to electors and of expense to candidates might be effected.

Sir *W. Follett* said, that he should be extremely sorry if anything he said should be construed into an opposition to the introduction of this bill. All sides of the House were satisfied of the necessity of removing the present imperfections of the registration system in Ireland, and as far as he could understand the right hon. Gentleman, a considerable improvement in the existing system would be effected by the present bill. He, however, could not agree with the right hon. Gentleman in thinking it would be wise to hold a registry to be final for the space of eight years. Why should the House be called upon in that respect to legislate on a different principle for Ireland than for England, where the registry was subjected to annual revision? But he did not rise to enter now into a discussion of the details of the measure, but, agreeing in its principles, he rose for the purpose of offering an observation on one or two points which had incidentally been alluded to. This bill suggested the adoption, by its provisions, of two measures not strictly relating to registration, and which ought not to pass without observation. One of those provisions was the mode in which the right hon. Gentleman proposed a test of value of property in Ireland. The hon. Gentleman who had spoken last but one had said, that this would lead to a party division upon the bill. Notwithstanding that threat, he was sure it would not be decided by party feeling. If the right hon. the Attorney-General for Ireland would consult the noble Lord and the right hon. Gentlemen on the benches near him, or if he would consult any number of English Members from both sides of the House, he would find such a manifestation of feeling against the proposition, that he would never seek a division of the House upon it. In this country the mode of ascertaining the value of a property, if freehold, was by asking how much it would sell for, and if leasehold, by inquiring how much it would let for. Such had been the course during a long experience, of the means of ascertaining value, both for the purposes of the poor-laws, and also in reference to the Reform Bill. There was in this country no other mode to ascertain value, and no other mode would, he was sure, be adopted if fairly put to the House, and he warned the right hon. Gentleman that he never would carry his bill if that provision were framed on any other principle; that nothing would induce English gentlemen to admit the principle, that although the property might not be worth 10*l.*, or even 2*l.* a-year, a party swearing that to him as a shopkeeper it was worth more than 10*l.* or 50*l.* a-year, should be admitted to the registry. Such a bill, he warned the right hon. Gentleman, he never would carry even through that House. The mode proposed as a test was no criterion of value, and would open the door to a continuation of that perjury which had appeared before the assistant barrister on registration, and which had disgraced every Committee before whom a question of value had been raised. He had seen it himself sworn over and over again before Committees of the House by a party with a house of 2*l.* annual value, that by reason of his occupation or beneficial interest it was of the value which gave the party swearing the right to the franchise. Such things had never been attempted in England; in this country it had never been attempted, even in the times of the greatest excitement, to venture upon such a system of increasing value. To such a principle of ascertaining value he most decidedly objected. But there was another clause, which required the deepest consideration before its principle was agreed to. He would not say whether it might be a right thing or not, to take from the House of Commons the right to adjudicate upon the validity or otherwise of returns of Members to this House, but he was not disposed to agree with the noble Lord, the Secretary for the Home Department, in thinking that it would be at all rash to part with that jurisdiction; on the contrary, he thought these matters would never be properly decided until that jurisdiction was parted with. But now, even after the declaration of the noble Lord, the right hon. the Attorney-General for Ireland, would deprive that House of the right of inquiring into the validity of Irish votes. He would protest against any plan, taking away from the House the power of adjudicating upon Irish elections, and yet retaining the right to interfere with English and Scotch elections. If there was to be a law to make the registry final, let it be extended. But in this proposition, he thought the right hon. Gentleman would not have the support of the noble Lord, the Member for Stroud; for, to make the register final, would be entirely to take away from this House the right to interfere in controverted elections. If the House, by its Committee, could not examine into the validity of the votes given at an election, why should the electors, disputing the return on such votes, be permitted to incur the expense of a petition to the House against a return so obtained? In cases from Ireland, the result would be, to take from the House the right to enter into a scrutiny of votes, and would put it into the hands of those who were appointed to their offices, and held them during the pleasure of the Crown. Supposing the present tribunal for registration in Ireland to be permitted to remain, he held that to be a strong objection to make the registration before such a tribunal final. He stated these two objections he entertained to the proposed measure, in order that he might not be supposed to be bound to the principle laid down for ascertaining value, and of depriving the House of the right to inquire into Irish elections, whilst the law was left unchanged with regard to other parts of the kingdom.

The *Chancellor of the Exchequer* should not have interfered on the present occasion, but that it appeared to him that the hon. and learned Gentleman, who had just sat down, and whose observations were deserving, at all times, of the fullest attention, laboured under some misconception of what had fallen from his noble Friend at the head of the Home Department, a few nights ago. When the right hon. Baronet, the Member for Tamworth, suggested to the House, on the second reading of the Bill introduced by the hon. and learned Member for Liskeard, that it would be a fit subject for the deliberate consideration of the House, whether or not it might be proper to deny itself any interference with matters of controverted elections, his noble Friend had stated, that when that question was brought forward, he trusted the House would approach it with that deliberation which it required, inasmuch as the proposition introduced the greatest change in the constitution of Parliament that had ever been entertained for the last 200 years. Further than that his noble Friend did not go. With regard to the other points raised by the hon. and learned Member for Exeter, the subject of the finality of registration had not now been introduced for the first time—it had been attempted in England, but no one ever had said that, if adopted, the House would have stopped itself from inquiring and adjudicating upon other matters connected with controverted elections. He could not sit down without saying, that he rejoiced to hear from the hon. and learned Member for Exeter, that in matters in which the political privileges of the people of Ireland were concerned, it would be a great object to establish equal laws with those of this country, and he could not but express a hope that, in the future deliberation of the House, the Government would have the benefit of his authority applied, in that respect to practical subjects.

Sir *W. Follett*, in explanation, said, that he did not mean to state, that the House, by making the register final, would deprive itself wholly of jurisdiction in election matters; that certainly formed the main and most important jurisdiction, but still questions of bribery, and the like, would be open to election Committees of the House, even if this Bill should pass.

Mr. *Litton* complained of this measure having been introduced as a declaratory law in respect to the mode of valuation. He had always understood that a declaratory law was, with a view to put an end to matters of doubt in the law. Now, all doubts upon this head, on the construction of the Irish Reform Act, had been set at rest by the deliberate judgment of the judges in Ireland, to the extent of ten out of the twelve. Therefore no doubt existed as to the law, and instead of this being a declaratory measure, it ought to be called a Bill to repeal the Reform Act, for it made a change in the most essential provision of that Act, that provision which confined the franchise to those individuals having a real *bonâ fide* value, and not allowing fictitious votes to swamp the constituency of the country.

Mr. Sergeant *Woulfe* did not think that either the noble Lord or the hon. and learned Member for Exeter were justified in entering upon the disputed points which they had adverted to, and with respect to which he did not do more than declare the law. The argument of the noble Lord and of the hon. Gentleman opposite, was intended to produce an effect before a different portion of the House than was then assembled. The noble Lord had added the weight of his personal character to the opinion which he had given, that if he were on a Committee he would consider it part of his duty to open the Irish register; but the noble Lord would allow him to say, that he entertained an entirely different opinion on the law as to that point. He knew well that his opinion was not of such great weight as that of the noble Lord; but taking all the provisions of the different statutes into consideration, and allowing all due weight to the arguments adduced by hon. Gentlemen opposite, he must say, that he would, either as a Member of a Committee, or as a lawyer, state, that the Committees of that House had no power, under the Irish Statutes, to open the register. With respect also to the question of beneficial interest, he must observe, that he entertained a similar difference of opinion. It was true, that the Irish Judges, by a majority of ten to two, had held to the contrary; but he could not forget that he had with him the opinion of Judge Perrin, which was not to be slightly neglected; and of Mr. Baron Richards, which was also of some little weight; and that this was backed by the opinions of many Committees of that House, and of many eminent Members in this country; and he did believe with them, that the words "beneficial interest" introduced, instead of the well-known formula before in use in Ireland, and still in existence in England and in Scotland, and not introduced by hazard or incidentally, but after a debate, were introduced with some intention of making some difference. The old formula was used in the Emancipation Act, and it must have been intended that when that formula was thus departed from, the substitute words should have a different effect.

Mr. Sergeant *Jackson* had given notice of a motion for leave to introduce a Bill on this subject, and he did consider that the opening of the register was a question which ought to be settled by law. He thought also, with regard to the beneficial interest, that the intention of the Legislature was different from the right hon. Gentleman's construction; for Mr. Justice Crampton, who was Attorney-General when the Reform Bill was introduced, was one of the ten Judges who had agreed in their judgment, and he thought that this was the best test by which to decide the *animus* of the Legislature. He rejoiced that the right hon. Gentleman had brought in the Bill, and he joined in the expression of the noble Lord near him (Lord Stanley), that so far as they could in that House divest themselves of party feeling, they would give the Bill a fair consideration, for the law as it then stood was intolerable.

Colonel *Perceval* had only one remark to make with reference to the opinion of Mr. Baron Richards. That learned Judge, when presiding at the last assizes for the County of Sligo, had used these expressions:—"He felt great delicacy in laying down the law contrary to the opinion of ten of his learned brethren, but he was fortified by the recollection of the fact, that if he decided wrongfully a Committee of the House of Commons, he was sure, would set him right;" and he used this as a conclusive argument, that with regard to the right to open the Irish register, the opinion of Mr. Baron Richards was different from that of the right hon. and learned Gentleman.

Leave given.

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HOUSE OF COMMONS,

Wednesday, March 14, 1838.

MINUTES.] Petitions presented. By Mr. BROCKLEHURST, from Macclesfield, by Colonel GORE LANGTON, from a place in Somerset, by Sir C. B. VERE, from a place in Suffolk, and by Mr. JAMES STEWART, from Honiton, for the abolition of Negro Apprenticeship.—By General O'NEIL, from two parishes in Antrim, against the Irish Poor-law Bill.—By the hon. R. FITZGIBBON, from a place in the county of Limerick, for the total abolition of Tithes.—By Mr. MAXWELL, from the Grand Jury of the county of Cavan, against a Clause in the Irish Poor-law Bill.—By Sir C. BLUNT, from Lewes, for the Ballot.—By Lord COLE, from Annan, for a continuance of the Irish Linen Act.—By Lord CASTLEREAGH, from the Grand Jury of the county of Down, against the Irish Poor-law Bill; and from a parish in the county of Down, to the same effect.—By Mr. DENNISTOUN, from Glasgow, and other places, against any further Endowments to the Scotch Church.—By Mr. ETWALL, from Andover, by Mr. HERRIES, from Harwich, by Sir E. KNATCHBULL, from Hythe, and by Mr. PLUMPTRE, and other Members, from various places, against the Municipal Boundaries Bill.

MUNICIPAL BOUNDARIES.] Mr. *Vernon Smith* moved the second reading of the Municipal Boundaries' Bill, and in doing so would take the liberty of presenting a petition in its favour. He felt called on to remark that all the petitions presented to the House on the subject of this Bill were petitions praying for alterations merely—not against the measure altogether. All those Gentlemen who had paid attention to the passing of the Municipal Reform Bill would recollect that it had been agreed on all sides that the question of boundaries should be reserved, as in the Parliamentary Reform Bill, to a separate enactment. Unluckily for the facility in the passing of this Bill the precedent of the Parliamentary Reform Bill was not followed, for this Bill had been delayed for some time, and had been nearly forgotten; so much so, that many hon. Members, he was afraid, would consider it some whim of his own, and not one founded upon previous assent and inquiry. After the passing of the Municipal Reform Act, Commissioners were appointed, and sent down to examine into the best mode of fixing these boundaries, and it was upon their report that, acting with his noble Friend (Lord J. Russell), he had introduced a Bill similar to the present in the last Session of Parliament, which Bill fell to the ground then, in consequence of the demise of the Crown. Thus it might be said, that this Bill, which was introduced on the 21st of December, had in reality been eighteen months before the country; and that ample opportunity of examining its provisions had been afforded. The principle laid down and strictly adopted in forming the Bill was this, that the municipal boundaries should comprise only those inhabitants who were interested in the municipal offices; and that, as the great object of the creation of these boroughs was jurisdiction and police, no person should be included within them without deriving some municipal advantage. There was some difficulty in carrying the principle of the Bill into effect, arising from the circumstance that some of the boroughs were left with the Parliamentary boundaries, and some with the ancient municipal boundaries; but it was expressly declared that that arrangement should only last until Parliament should otherwise provide, and it was to make that other provision that the present Bill was intended. He begged the attention of the House to the difference which existed, and ought to exist, between municipal boundaries and Parliamentary boundaries; for while for Parliamentary purposes it was desirable to infuse a portion of the neighbouring agricultural population in the borough; on the other hand, in defining municipal boundaries, it was essential to limit the boundary to a strict borough inhabitancy; for great mischief and hardship would arise, both to the rural district and the borough, from including the former in the municipal boundary. However, in cases where boroughs wished to adhere to the boundaries in which they had been already included, whether the Parliamentary or the municipal boundaries, he would not desire to act with rigour on the limitations proposed by the Bill, but should be prepared to take into consideration many cases in which application might be made on these terms for a deviation from the principle of the Bill. He was enabled to say, that a greater number of the boroughs contained in the schedule were willing that the Bill should pass than were opposed to it; because, although circulars had been addressed to them all, not one-third took any notice of those circulars, and of those who did, in the majority of the cases, the observations made were founded upon technical errors. If the House would permit the Bill to be read a second time the details could be settled in Committee; but if Gentlemen attempted to throw out, on the second reading, a Bill which was assented to by the acquiescence of the majority of places interested in it, and if any disorder or litigation ensued, and the provisions promised by Parliament remained unsettled by any Legislative enactment, the fault must rest with those who opposed the measure. He moved that the Bill be read a second time.

Mr. *Ellice* said, that he had been instructed by the corporation of the city of Coventry, the place which he represented, to oppose this Bill as far as they were concerned. He admitted that there existed some difference of opinion in the city and county of Coventry with respect to the measure. One party, the town population, were against it, while the other, the rural population, were in favour of it. The town council, however, which was composed of all parties, had passed a resolution condemnatory of the measure, and as he thought their opinion ought to have weight with that House, as it had with him, he was bound to mention the fact. If the question were one which must be settled he thought that this was not the way to legislate on the subject—and therefore it was his intention to take the sense of the House as to whether the Bill should or should not be read a second time. It seemed clear that they ought not to include places in this measure which were opposed to it, and if they would consent to limit it to those places where there was a wish to have the boundaries settled, then perhaps, there would be no objection to its proceeding. He was averse to anything like compulsory legislation, and his belief was, that it would be morally impossible to entertain this measure with the view that it would lead to a conclusion satisfactory to all the places enumerated in the schedule. It was true, that there was another course open to them, and that was referring the Bill to a Select Committee up stairs. He, however, could not see how a Select Committee could do justice in such a case; but, at all events, before they proceeded any further with the measure they should take time to ascertain the sentiments of those more particularly interested on the subject. Looking at the matter which way they would, it was evident it would be hopeless to expect that such a Bill could pass at the present moment, and therefore he hoped his noble Friend would consent to omit from the schedule all those cities and boroughs which were hostile to the arrangement. They might settle the boundaries of all places where a desire to that effect existed, but, with respect to the remainder, the question should be left open to legislation hereafter. He would not propose any amendment just now, but if his noble Friend refused to assent to the suggestion which he had thrown out it was his intention to move, that the Bill should be read a second time that day six months.

Lord *John Russell* said, he should like to know what the general opinion of the House was on this subject before he assented to the proposition of his right hon. Friend. This Bill had been rendered necessary in consequence of the omission of the Lords with respect to the Municipal Boundaries Bill. It was founded on the report of the Commissioners who had been appointed to inquire into the matter, but as far as he was individually concerned he had no preference to one line of boundary more than another, or wish to do more than was convenient or expedient. He had no desire whatever to impose on Coventry or any other city or borough boundaries which were not satisfactory to the parties, but while he said this he did not think it unreasonable to hope that a bill which would be an advantage to all those boroughs which were favourable to it should be rejected on the second reading. When, however, he heard the opinion of the House on the subject he would say whether or not he was prepared to assent to the proposition made by his right hon. Friend.

Mr. *Herries* said, he was glad that the noble Lord had manifested an indisposition to accede to the proposition of the right hon. Gentleman the Member, for Coventry, but it was evident that the bill could not proceed without some more definite understanding was come to. The borough which he represented was universally opposed to the measure, but still if the noble Lord would say that it should be limited to those places only where no objection was made to it he would consent to the second reading.

Sir *E. Knatchbull,* though not connected with any borough, could assure the House that a strong feeling against it existed in Hythe and the other boroughs in his part of the country. He would not oppose the second reading, if all those places which were opposed to the measure were exempted from its operation. The noble Lord ought to state clearly whether or not he meant to assent to this proposition.

Lord *J. Russell,* in explanation said, that before they exempted any place from the operation of the bill they ought to have some proof that the parties dissented from the proposed arrangement. He thought the best way to obtain this information would be by means of petitions, and the opinions which the hon. Members who presented those petitions might express.

Mr. *Gladstone* thought, that the opinions of the corporations ought to have weight with that House, and that nothing ought to be done until their sentiments were ascertained.

Lord *J. Russell* said, that in cases where those bodies expressed their opinion it would, of course, have its due weight with the Government.

Mr. *Hawes* said, that if the principles on which the bill was founded were sound he could see no reason why it should not be carried, even though its operation might inflict individual hardships. The labours of the Commissioners would go for nothing unless their recommendations, of which he approved, were adopted.

Viscount *Howick* thought their object in a bill of this kind should be, to meet the wishes of the parties interested in it. He cared nothing for abstract principles, as, under all the circumstances, he thought the best course they could take was that pointed out by his right hon. Friend. Let them take the second reading and go into Committee, but upon the understanding that no place should come under the operation of the bill except those which were desirous of such an arrangement with respect to their boundaries as was proposed. It would, however, be unjust to deprive those towns which were favourable to the measure of the advantages which would result to them from it.

Lord *Stanley* said, it was manifest, that without modification the measure could not be carried. On looking to the petitions which had been presented on the subject, he was convinced that a strong feeling of dissatisfaction prevailed in reference to this measure. The proposal of the right hon. Gentleman, the Member for Coventry, sounded fairly, but he (Lord Stanley) could not give his assent to the second reading, unless some more definite understanding were come to. In his part of the country he knew that a hostile feeling was entertained towards this bill, and therefore he would not agree to the adoption of any course which might render it necessary hereafter to reunite their scattered forces in opposition to it. He, however, would suggest to the hon. Gentleman who had charge of the bill, and to the Government, whether the better way would not be to prepare an instruction to the Committee, laying down the precise object which they had in view, and to take time, say a fortnight after the circulation of this instruction, for ascertaining whether it met the wishes of the hon. Gentlemen opposed to the measure or not. This course he submitted would obviate all difficulty, and if it were agreed to there could be no objection to allowing the bill to be read a second time. Perhaps a provision of the same kind might be made by the insertion of a clause in the bill, but, which ever course was taken, he would not give his sanction to the present motion unless due regard were paid to local interests.

Mr. *Ellice* concurred in the suggestion of the noble Lord, and thought that such an instruction as had been pointed out would be most satisfactory, as in it they could state the names of the places to be omitted. A delay of a fortnight or three weeks would enable the Government to obtain all the information necessary to prepare such an instruction.

Mr. *V. Smith* said, that in passing an instruction of the kind there would be extreme difficulty in ascertaining the feelings of the different parties in each locality. Every case might not be so clear as that of Coventry. He thought the better way would be to send circular letters to the different cities, and boroughs intended to be included in the bill, requesting that meetings might be called in order that the opinion of the constituency in each case might be fairly and fully ascertained.

Lord *Stanley* said, that the instruction was not his, and that he had merely suggested it as the best means of ascertaining how far the measure would be satisfactory or otherwise. It would not require a delay of more than a fortnight or three weeks, and surely if that time would enable the hon. Gentleman to overcome his difficulty he ought not to object to it. It could not be denied that the petitions against the measure outnumbered those in favour of it, and when that was the case the hon. Gentleman should not be indisposed to meet the wishes of those who disapproved of his bill as it now stood.

Viscount *Howick* did not think, that a Committee could decide all the questions that might arise, but as the bill could only be put into proper shape in a Committee he was anxious that the opportunity of amending it, so as to meet the views and wishes of all parties, should be afforded.

Mr. *Grote* hoped that the House would not treat the bill in the manner suggested by the noble Lords at both sides of the House. It was certainly a most extraordinary way to solve a legal problem—to leave out every thing in dispute, and merely legislate for those points that were agreed upon. The House should recollect that the proposition of the hon. Member for Coventry would not get rid of any existing difficulty. The hon. Member proposed to leave *in statu quo* all discrepant and discordant interests. Whenever the details of the bill came before the House he should be prepared to show, that, to include any part of the county within the borough of Coventry would be a very great injustice. If there should be any instructions proposed to the Committee they must take some principle for their guidance in cases of conflicting interests.

Sir *T. Troubridge* said, that, when he had a duty to perform, he would discharge it in spite of the whole world. In the bill before the House the interests as well as the rights and privileges of the borough with which he was connected were involved. With respect to the second reading he heard so much talk about principle, and a Committee above stairs, and various suggestions from all sides, that he was completely bewildered. If he was given to understand, that the borough with which he was connected was to be withdrawn from the bill he would consent to the second reading, but otherwise he would oppose it.

Mr. *V. Smith* thought, that the understanding was, that he should frame an instruction to the Committee such as proposed by the noble Lord opposite (Lord Stanley), and that he should send a circular to the different boroughs to see how far they were likely to agree, and that they might thus be able to go into Committee after Easter.

The *Attorney-General* would remind the House that considerable inconvenience might arise from the present bill not being read a second time. When the Municipal Corporations Bill passed in 1835, there was a pledge given to the country that a bill would be passed to regulate the boundaries of the different boroughs. This bill was brought in to remedy those inconveniencies. It was found in 1835 that in many towns the corporate jurisdiction did not extend over half the extent of several towns, whilst in many others a large portion of the rural districts were attached to them, and called the liberties of the borough. In some of these places it was found very inconvenient to have the rural districts united, for, as they derived no advantage from lighting and cleansing the towns, they thought it a hardship to be subject to assessment for these purposes. It was for these reasons that it was thought advisable to make a new distribution of the municipal territory, on the same principle as had been acted on with respect to the Parliamentary Election Boundaries Bill. For this purpose eminent engineers had been appointed and eminent engineers had been selected for the purpose, who were totally unconnected with politics. Part of the instructions given to those engineers was, in any case where it was practicable, to preserve the old boundary. He knew that this bill encountered much opposition, and excited much disapprobation, but this did not prove, that the bill was wrong; and such dissatisfaction was always to be expected in cases where local interests were affected. He thought the complaints of the hon. Member for Coventry altogether unfounded. It was a mistake to suppose, that these districts were united to Coventry before the time of Henry the 6th, for up to that time they formed part of the county of Warwick. He hoped, at all events, that the bill would be allowed to go into Committee.

Mr. *Wilberforce* moved, that the bill be read a second time that day six months.

Mr. *V. Smith* said, that the bill was no conceit of his, but had been brought forward upon the recommendation of the Commissioners. However, as there had been such a general expression of opinion from all sides of the House with respect to the bill he would yield to the sense of the House and withdraw it.

Amendment agreed to.

ELECTION EXPENSES.] The Order of the Day for the second reading of the Election Expenses Bill having been moved,

Mr. *Hume* proceeded to explain the provisions of the bill. It comprised two points, first, to declare what the legal expenses ought to be, so as to prevent the possibility of disputes. The second point was to make a provision for expenses that were not already provided for. There was another point. It was considered necessary to remove doubt as to the postage of writs and returns. At present the writ was sent down by post, but it was considered necessary to send up the return in a chaise and four. Now he thought it was as important to provide for the safe arrival of the writ as that it should be sent up with care after the return had been made. It was proposed that the expense in this respect should be done away with. The hon. Member was proceeding to explain other provisions of the bill, when

The House was counted out.

HOUSE OF LORDS,

Thursday, March 15, 1838.

MINUTES.] Bill. Read a second time:—Residence of the Clergy.

Petitions presented. By the Bishop of LONDON, from the Clergy of the Isle of Man, to continue the See of Sodor and Man.—By the Duke of CLEVELAND, from Baptists of Stockton-upon-Tees, and another place, by the Earl of ALBEMARLE, from Hadleigh, Woodbridge, Sutton, and other places, by the Earl of FALMOUTH, from Truro, by the Earl of DEVON, from Ivy-bridge (Devon), by Lord DACRE, from Bradley, and a place in Hertfordshire, by the Earl of ILCHESTER, from the Dissenters of Highbridge, and from the Baptists, Mariners' Chapel, the Wesleyan Methodists, the Society of Friends, the Unitarian Congregation, and the Independent Congregation of Bridgewater, by the Earl of BURLINGTON, from Mansfield, Notts, two places in Westmoreland, and one place in Lancashire, by the Earl of STRADBROKE, from Stradbroke, Aldeburgh, and four other places in the county of Suffolk, and by Lord BROUGHAM, from many places in England, particularly Yorkshire and Lancashire, for the immediate abolition of Negro Apprenticeship.—By the Earl of ALBEMARLE, from Dromore, against the proposed Poor-law for Ireland.—By Lord REDESDALE, from Lyme Regis, against the system of National Education.—By Lord BROUGHAM, from Herne Bay, and from the Mechanics' Institution at Leamington Priors, in favour of the Bill for establishing National Education; from Dunfermline, the first United Associate Congregation of Paisley, the United Associate Congregation of Paisley, the inhabitants of a parish in the county of Haddington, the Albion-street Chapel (Glasgow), the Sessional Relief Congregation of Dumbarton, and from three places in Lancashire, against additional Endowment to the Scotch Church; from Yarmouth, for the abolition of Capital Punishments; and from the Working Men's Association of Braintree and Bockend, for a repeal of the Corn-laws.

ABOLITION OF NEGRO APPRENTICESHIP.] The Duke of *Wellington* having presented a petition for the abolition of negro apprenticeship on the 1st of August next, wished to ask the noble and learned Lord (Lord Brougham) what course he intended to pursue on this point, whether he meant to introduce a separate bill to abolish the system, or to propose a clause by way of amendment to the Bill at present before the House?

Lord *Brougham* said, that this was a most proper question to put. He intended to propose an amendment of the Abolition Act by substituting the words "1st of August, 1838," for the "1st of August, 1840," as the period for the determination of the apprenticeship system. He should be able to discuss its merits in a few observations. He would introduce it before the Easter recess, but he did not propose to take any further step till after Easter. There would be no disadvantage in this course, because sufficient time would be left between that period and the 1st of August, even if the Bill were allowed to pass, and if it were not to pass, the delay would not signify.

The Duke of *Wellington* wished to know whether the amendment would be proposed in the present Bill?

Lord *Brougham* replied, that the Bill already introduced incorporated all his resolutions but the last, which he considered as the only one of vast importance; this he was determined not to carry out by any side wind, but to bring it distinctly before the House in a separate measure; he should not, therefore, move it as an amendment to the Ministerial Bill.

ELECTIONS IN IRELAND.] The Earl of *Wicklow* presented a petition from a barony in the county of Cork, complaining of the interference of Catholic priests at elections. With this part of Ireland he was not immediately connected; but he believed that the petition was respectable, and he knew that it was numerously signed. The petitioners wished him to call the particular attention of their Lordships to the grievances, injury, and inconvenience, to which the petitioners were subject in consequence of the interference of the priests in the elections in Ireland. The petitioners stated, that, owing to the inflammatory language used by a Roman Catholic priest in the county of Cork, an officer commanding a detachment of soldiers was obliged to withdraw his men from the chapel, and the petitioners hoped that the House would pass a law prohibiting the priests from interfering in elections. He was well aware of the existence of the grievance against which the petitioners prayed for protection. At the same time he was of opinion that no one would think of calling on Parliament directly to interfere to prevent this or any other class of men from using the influence which they might possess over their fellows in election matters; but although they could not prevent the evil by direct compulsion, yet he thought that they might do so by indirect means. The evil did not consist in the interference of the

Roman Catholic priesthood to influence legal voters in the exercise of their right, but what he most objected to was, their bringing to the poll those who did not possess such a right, and who perjured themselves by giving a vote which they did not legally possess. This was the power which the Legislature ought to interfere with, and give a remedy against its exercise. It was, therefore, with much satisfaction that he saw, by the votes of the other House of Parliament, that her Majesty's Ministers had introduced a measure which would go a great way towards remedying the evil of which the petitioners complained. Of course he could not know the provisions of that Bill at present, but, when it came before their Lordships' House, if its object were to correct the vicious system which now existed, and which had existed ever since the first establishment of a register in 1829, if there appeared on the Bill a *bona fide* intention to remedy this evil, he would most cheerfully co-operate with her Majesty's Ministers, and endeavour to pass it. But if the Bill should turn out to be the same as a few Sessions ago reached their Lordships, and which, under the guise of amendment, bore the evidence of being a rank and gross job, placing at the disposal of Government the appointment of the revising barristers, he should feel it his duty to do the same with the present Bill as he did with the former, and move its rejection.

Lord *Brougham* remarked, that the noble Lord had not hit upon one remedy which might be effectual—that a measure should be proposed making a state provision for the Roman Catholic clergy. His belief was, that such a provision would be strenuously opposed by the clergy at first, but would afterwards be quietly received.

Petition laid on the table.

Yeomanry Corps.] The Earl of *Haddington*, in reference to a conversation which took place on Tuesday night, wished to observe, that in the returns of the number of yeomanry corps to be disbanded on the 31st of March instant, he found that no less than six corps were to be dismissed in Scotland, of which four were entire regiments, and two only single troops. Now, the noble Viscount opposite (Viscount Melbourne) had stated, that in the selection for dismissal, her Majesty's Government was guided by two circumstances; one was, the fact of their being single troops, and the other was the necessity of reconsidering the constitution of those corps which were raised in a somewhat hasty manner during the incendiary fires of 1830. Now, the last of those reasons did not apply to Scotland, where there were no fires, and where many of the troops were raised before that time. He wished, therefore, to ask the noble Viscount whether a single corps of yeomanry would exist in Scotland after the 31st of March instant?

Viscount *Melbourne* believed, that there would; but he was not perfectly aware how the case stood, but at any rate he believed that this force was not likely to be called for in that part of the country.

The Earl of *Haddington* was afraid that in Edinburgh county, and in the counties of Renfrew, Lanark, and Stirling, where there was a manufacturing population, that force might be required, and they were left entirely destitute?

House adjourned.

HOUSE OF COMMONS,

Thursday, March 15, 1838.

Minutes.] Petitions presented. By Mr. Grote, Mr. Harvey, and several other Members, from various places, for the abolition of the Corn-laws.

Carlow (County) Election Committee.] Mr. *P. St. John Mildmay* appeared at the Bar of the House, and reported that the County of Carlow Election Committee having met on that morning, it was found, that one of its Members, Lord Robert Grosvenor, was prevented by illness from attending, and the Committee had therefore adjourned until eleven o'clock to-morrow.

Mr. *Mackinnon* said, that as a Member of the Committee, as some informality had taken place, he felt it to be his duty to bring the circumstances under the notice of the House. After the ballot had taken place, and the Committee had been struck on Tuesday, and the Members had been sworn, they proceeded to their room, and the noble Lord, the Member for Chester (Lord R. Grosvenor), was elected to act as their chairman. He accordingly took the chair, and acted in the capacity of chairman that afternoon, and the Committee eventually adjourned until half-past three o'clock the next day. On their meeting at that hour, however, the noble Lord stated, that he was uncertain whether the delicate state of his health might not prevent his performing the duties of his office, and he, therefore, requested the hon. Gentleman, the Member for Winchester to act in his place. This met with no opposition from the Committee, and the hon. Member took the chair and performed the usual duties of a chairman. Now, on referring to the Act for the regulation of election Committees, the 9th Geo. 4th, it appeared by the 37th section, that the chairman first appointed must continue to act except in case of death or unavoidable absence on the ground of illness. According to his interpretation of the Act, he believed, that no individual Member of the Committee could by any means absent himself unless with the sanction of this House, which must be obtained on evidence produced at their Bar, that he was unable to attend. This regulation with regard to the sanction of the House being obtained, was grounded on the 43d section of the same Act; and he apprehended that if the provisions were not complied with, the proceedings of the Committee were illegal. If the noble Lord, therefore, were properly appointed chairman in the first instance, what had been done by the hon. Member for Winchester was informal; and if not, the absence of the noble Lord, at all events, would only be justified on permission granted by the House, or evidence produced. He therefore thought it his duty to state the grounds of his objection to the Committee this morning, and most of its Members agreed with him, that the doubts which he entertained were reasonable. He desired now to ascertain whether, under the provisions of the statute, the hon. Member for Winchester could be supposed to have been legally elected chairman? and if not, whether the proceedings which took place yesterday were informal; and whether the Committee, therefore, ought not to begin *de novo?* It had been stated, that it was not necessary that the same chairman should continue to sit throughout the continuance of the sittings of the Committee, but that the Committee had a right to appoint a new chairman every day, but on looking at the clauses of this Act, he thought it was pretty clear that a chairman, when once elected, should continue to act as chairman until, "by death or necessary absence from illness," his presence was prevented. The words of the 43d section were, that no Member should be allowed to absent himself from the Committee unless he should first have obtained leave from the House "on special cause shown, and verified on oath," and such Committee should not sit unless all the Members elected to serve upon it should be assembled together, except in the case of leave of absence having been obtained. He begged to say, that he had no motive whatever in bringing forward this matter, except that of satisfying the Members of the Committee of the legality of their proceedings and providing for the interests of the parties concerned, because, if the proceedings of the Committee should turn out to have been informal, they would all have been of no avail. At present, as the Committee was constituted, there were some doubts whether any warrant signed by the chairman, the hon. Member for Winchester, would be considered as legal.

Mr. *P. St. John Mildmay* said, that he wished to state to the House, that when he was called upon to take upon himself the office of Chairman, it was with the unanimous consent of the Committee, and under the firm belief, that he was doing right, and on this ground. The House sent the Committee from the table to make its own arrangements with respect to their proceedings, and in his recollection—a recollection of nearly twenty years—the House had always been very cautious how it interfered in matters of this description, and the only cases in which they did interfere were those where the Members of the Committee had been altered. The election of the Chairman was always left to the discretion of the Committee; and, therefore, if it was for the convenience of the parties, as well as of the Committee, that the Chairman should be changed, the House would not interfere with the arrangement. The reason for which the Committee was not permitted to be changed was, that, independently of its Members being altered, the number was reduced.

Sir *E. B. Sugden* said, that he conceived that the question was one simply of law, founded on the Act. On the section he was clearly of opinion that the Committee, having once appointed a Chairman, had no power to alter their choice, except in the two cases pointed out. If this rule were not strictly followed great mischief might be produced, for by the statute a casting voice was given to the Chairman, but if this rule was not persisted in, who would have the power of deciding? There would have been no difficulty whatever in the case if the noble Lord had followed the provisions of the Act, and had applied to the House, for on leave having been obtained, he might have absented himself from the Committee on the ground of illness, and a new Chairman might have been appointed. It would only have been doing that in a legal and formal way, which had been done informally. This case was not that of an election of a new Chairman, but only of the transfer of the office from one individual to another, without proper authority. Then, another question arose as to what would be the consequence of any act of the Committee. Supposing they had come to the vote, and the right of the Chairman to give the casting vote should occur, the House would have to consider whether the acts of the Committee were void in consequence of that act of the Chairman. Those acts which were merely ministerial, he thought, would not be void, but he was of opinion, that if they came to vote, their proceedings must be deemed to be illegal, and in consequence they must be held void.

Mr. *R. Steuart* said, that a Committee could only communicate to the House through a chairman, and this officer could only be appointed by the Committee. Under the circumstances of the present case, therefore, the House could not interfere.

Mr. *Goulburn* said, that in the whole course of his experience he had never known an instance in which the chairman originally elected by a Committee was deposed, and another chosen in his stead. If the chairman were prevented by serious illness from attending, the chairman's seat then became vacant, and the Committee might proceed to elect another hon. Member of their body to preside over them; and having done so, report the fact to the House. The House would then deal with it. But if the system of deposing chairmen were adopted—if they changed a chairman to-day, they might also change their chairman at any other time; and a regular contest of parties in the Committee might thus arise. The chairman of this Committee had committed an error in practice, which it was expedient for the House to set right.

The *Attorney-General* said, that the House had no power whatever to control the election of the chairman of a Committee. The facts of this case he believed to be, that the Committee had elected a chairman, who had since intimated his wish to resign. It was the unanimous opinion of the Committee that his resignation should be accepted, and another chairman was unanimously elected in his stead. In his humble opinion, that individual was properly elected; for, although he quite agreed with the right hon. Member for the University of Cambridge, that a chairman once elected could not be deposed, still he apprehended that a chairman might resign, and that a new election might, under such circumstances, take place, in the same way as the Speaker in that House might resign, when the election of his successor would immediately follow. Such would also be the case in a Committee, unless the act of Parliament forbade that practice. It must be clearly shown, that the act of Parliament stated, that the chairman once elected must still remain in that situation until the report of the Committee was finally sent in. Now, the act contained provisions for the appointment of a new chairman in the cases of death and of indispensable absence occasioned by illness; but it contained no provision whatever for the case of resignation.

On the motion of Mr. P. Mildmay, a witness was called in and examined: He stated, that he was the medical attendant of Lord Robert Grosvenor; he had seen his Lordship that afternoon; he was too unwell to attend his duties as a Member of the Committee; his indisposition was of such a nature that it would be greatly aggravated by his attendance in the Committee; he was confined to his House that day, but not to his room.

The *Speaker:* What is the nature of his indisposition?—It is an irritation, of a nature that would be aggravated by his coming out.

The *Speaker:* Do you think that he will be able to attend in two or three days?—I think not.

Mr. Sergeant *Jackson:* Are you of the medical profession?—I am a surgeon.

Mr. Sergeant *Jackson:* Can you state what his complaint is? ["Oh, oh!" and "Withdraw!"]—Witness withdrew.

Viscount *Howick* would appeal to the House whether this was not an unusual mode of examination towards a medical man called to that bar? He thought, that there was ample evidence before the House, that the noble Lord was not able to attend. Of all the manifestations of party feeling that had ever been shown in that House, he thought that that just exhibited was the most extraordinary, and he could not believe, that any Gentlemen in that House could have carried their feelings to such an extent as had been shown. When an honourable man stated that he was not able to attend a Committee, and when that statement was confirmed on oath by a medical practitioner, he did not think any person would insist upon carrying that examination further; and, with a total disregard to all delicacy, press questions into the nature of the complaint under which the noble Lord laboured. The noble Lord could have no other cause than illness for not attending the Committee, and he would put it to the good feeling of the House whether such a line of examination should be persevered in? He, for one, objected to such a course of examination being persisted in.

Mr. Sergeant *Jackson* felt called upon to make a few observations in answer to what had fallen from the noble Lord. He should regret showing a want of proper feeling or any deficiency in point of delicacy, but he had asked the question because he thought that the public had a right to be satisfied on this point, and he also thought, that he heard the Speaker ask the nature of the complaint under which the noble Lord suffered. He did not hear that question put from the chair answered, and having but a short experience in that House, he conceived that no question would be addressed to a witness from the chair which should not be answered. The noble Lord said, that they had the word of an honourable man that he was too unwell to attend, and that that should satisfy the House; but if that were the case, why were they to go through the form of calling a medical man and examining him on oath, and to allow him to give no information on the subject? He should not address a question to a medical attendant which he did not conceive that person was bound to answer, and he could tell the House that the public looked with anxiety and jealousy at their proceedings as regarded election Committees. With regard to the imputation that had been thrown out by the noble Lord of being actuated by party feeling, he would undoubtedly say that there was no party feeling in the inquiry on his side of the House. He repeated that he and others on his side of the House were not actuated by party feelings. The House might dispose of the matter as it thought fit, but he should not persevere in the question he had put to the witness.

The *Attorney-General* said, that if any hon. Gentleman thought that the question should be put to the witness, of course he could insist on its being answered. But would it not be disrespectful to the noble Lord, as well as a want of delicacy, to insist on a reply? Since the question was put from the Chair, the medical man said that Lord Robert Grosvenor was so ill as to be unable to attend in his place. After such evidence, he put it to the hon. Gentlemen opposite whether they would persist in this line of examination.

Mr. *Goulburn* would not have said one word upon the subject had it not been for the language of the noble Lord, the Secretary at War. The noble Lord had taxed his side of the House with being actuated in deciding on that subject by party views and party feelings. What had that side of the House to gain by the keeping Lord Robert Grosvenor on the Committee? If there was any party feeling, they should be most anxious to facilitate his removal from the Committee, because the noble Lord came down the other night and voted in the majority on the question respecting the government of Canada, which retained the present Administration in office. He saw the noble Lord on that occasion, and as he knew him, he was glad to see him in improved health; he was now sorry to find that it was otherwise. If, therefore, they were actuated by party feelings, they should be anxious to have the noble Lord removed from the Committee, and there was nothing in the question of his hon. and learned Friend, the Member for Bandon, which entitled the noble Lord to put such a construction on it. The question had been put from the Chair, and no answer had been returned to it; and his hon. Friend did that which was his obvious course—he repeated the question, and the noble Lord opposite was pleased to make an attack on him.

Viscount *Howick* said, that when he rose to object to the question, he did not think of imputing to the hon. and learned Member individually his being actuated by party feelings, but he wished to put it to the hon. Member himself, if he had not inadvertently asked a question which was not necessary? What led him to impute party feeling was the shout of doubt and taunting cheer which he heard spread from one end of those benches to the other when he said that he was sure the House would feel, that the examination had been carried far enough.

Sir *R. Inglis* observed, that the noble Lord, in no measured terms, had stigmatised that side of the House with want of delicacy and party spirit, and as he was one of those who called "order!" it occurred to him that the noble Lord accused the Speaker as much as hon. Members on the Opposition benches, and he had intended to rise and defend the Chair from the noble Lord, who was cheered by Gentlemen opposite when the noble Lord accused him and his Friends of a want of delicacy in persisting in putting a question which had been put from the Chair. If the noble Lord thought fit to retract the charge, he would say no more; if not, he should call upon the Speaker to desire that some explanation might be given of the charge affecting the whole of his side of the House. The hon. Gentlemen opposite might be regardless of the charge of want of delicacy, but he desired the noble Lord to explain what he meant by such a charge.

Mr. *Warburton* had no doubt that the question, as originally put by the Speaker, was perfectly regular; but the manner in which the witness, a professional man, avoided speaking as to the nature of the disease made him conceive that the gentleman had a delicacy, as to professional confidence, in answering the question. He thought that, at any rate, the question should not be pressed.

Mr. Sergeant *Jackson* said, that if he had had the slightest notion that there was any objection to the question being answered, he would not have pressed it.

Mr. Mildmay moved, that Lord Robert Grosvenor should be excused from further attendance on the Carlow Election Committee.

Motion agreed to.

CORN-LAWS.] Mr. *Villiers* rose to make the motion of which he had given notice concerning the Corn-laws. He was well aware of the nature of the interest belonging to this question—of the great importance of it to the country at large—and of his own utter incompetency to do justice to it. He might be asked, how it happened that a person of his humble pretensions should take upon himself the duty of bringing a question of this important character before the House; but he would not stop to inquire whether, on such a subject, the ability of the advocate was likely to influence success. If however, in bringing the question forward, the fitness of the advocate was to form a principal consideration, all he could say was, that his name would not have been seen in connection with a subject of such great and vital importance. But the question was, not what business he had to bring it forward, but why was it that the intelligent manufacturing and commercial community of the country deemed it essential to their interests that it should be brought under discussion in that House. Those to whom the elective franchise had been given by the Reform Bill, deemed the Corn-laws one of the greatest wrongs of the unreformed Parliament, and the reason why they had sought the franchise was, because it would enable them to test the disposition of the new Parliament on this subject. He appeared there as the humble organ of the opinions of those who wished these laws altered, and although he had no personal pretensions of his own to enforce his views, still he would not shrink from expressing it as his opinion, that of all the wrongs which the unreformed Parliament had inflicted—of all the errors and injustice of that body, these unrighteous laws, which raised the price, while they limited the amount, of human subsistence, were the most shameful and injurious. He might be told, that it was idle to moot such a matter at the present moment, and that he could have no prospect of success. He was not blind to the fact, but still he thought the people had a right to seek for justice from that House. He was one of those who shared in the opinion, that constant changes in the constitution of the country tended only to evil, and, therefore, he was not friendly to any change which was not recommended by obvious necessity. The time would arrive when the removal of those laws must be taken into consideration by the Legislature; and when it did, neither that nor the other House of Parliament could withhold from the people the justice they demanded by means of either privileges or power. He could not shut his eyes to the fact, that numbers were daily withdrawing their confidence from the Legislature for the manner in which they dealt with this question, but he called on them to give some little consideration to the wishes of those whom they would require to check and repress, should violence make its appearance amongst them. He heard from all parts of the country that the people despaired of redress. Instead of relaxing the bonds of those who had passed these laws, the Reform Bill had strengthened them; and now the people began to see that no alternative would be left to them but that of extorting from their fears what they denied to justice. The people complained that the House postponed and neglected the interests of the country at large in order to favour that class which was most prevailing in the two branches of the Legislature; but he trusted that they would now enter into the consideration of the question with all the favour and attention which it deserved. It might be said, that this was not a fit time to bring forward the question, because there was no excitement on the subject. But he thought that it was not wise to postpone the consideration of so important a question until there would be neither calmness nor leisure to discuss it. He considered this a seasonable time to bring forward this question, when funds were raised for enabling labourers to emigrate to countries where they might obtain the food which they could not obtain at home. When in Parliament and out of Parliament so many were standing forth as the advocates of the oppressed poor and the enslaved factory children, had he not a right to call upon all those to support his motion? He could not believe, that those who obtained seats in that House, and consideration out of it, by professions of sympathy for the poor, under the rigours of the Poor-law, would now shrink from sustaining their cause. He would now proceed to state the grounds on which he believed the Corn-laws oppressive and injurious. He would first inquire into the purpose and principle of the Corn-laws. He believed that their purpose was protection to the landed interest, and that they were only justified on the ground of expediency. It was alleged, that the British farmer could not compete with the foreign grower without protection. Now, what did this protection mean? If security against danger, he would readily assent to the definition; but that was not the case. What, then, was it? Why, an evil to the community at large, though an advantage to the landed interest; and it was against such a principle that he had to contend, because he thought it not only indefinite but unjust. The effect of machinery had been considerable in extending production; but he believed all those discoveries which went to economise labour were attended with ruin, inconvenience, and distress, to those who were superseded by such means in their employments. They had not received any protection or compensation for the injury done to them, though the Legislature had given rewards and encouragement to those who invented machinery for economising labour, with a view to reduction in the price of articles of manufacture. Was this fair? Did not the argument applicable to machinery equally apply to all other cases where employment was superseded? When the labourers complained of the effects of machinery, they were told, that they were ignorant of their own interests, inasmuch as the use of machinery rather increased than diminished labour. True; but then this was applicable to a whole class, and not to an individual. There was, he believed, no instance where human employment had been superseded in which great distress was not occasioned. He might mention many, but he would only take that of the press. Now, what was the effect produced in Paris by the application of machinery to the business of printing? Why, that 6,000 persons were rendered destitute. No doubt the use of machinery had led to the employment of 60,000 persons in that business, but because that was the case, did it follow that the 6,000 persons whom it had deprived of employment were not injured? It was well known that men experienced great difficulty in passing from one employment to another. The truth of this observation was strikingly illustrated in the case of the hand-loom weavers, who had remained in great distress ever since Dr. Cartwright's invention came into use. This invention superseded their employment. He might be told, that private inconvenience must yield to public good, but he should like to know whether, if the people were sufficiently powerful, they could not insist upon protection in this or any other instance? Suppose, for example, there was a majority of hand-loom weavers in that and the other House of Parliament, would they not, in such a case, prohibit the power-looms, or, at all events, enact that, until the cloth produced by hand labour had reached a certain price, that produced by power should bear a fluctuating amount of duty? He could see no difference between the case of the hand-loom weavers and that of the landowners, and he thought that the argument applicable to the one was equally applicable to the other. This might be regarded as mere political economy, and it might be said that, although such abstract notions might do in France, they would not answer in England. Suppose a plan for heating their chambers without the expense of coals were invented, he should like to know what would be said by the coal-owners. Would they not call for protection, like the landowners, and would they not support their claims by arguments equally strong? Happily, however, they were only a small body, as the disposition in favour of monopoly which they had evinced showed what they would do if they were as powerful as the landowners. If the House would resolve itself into Committee he should certainly move for a repeal of the whole of the duties on corn, nor would he be deterred from doing so by the argument that one object of the protection which they afforded was the keeping up of the revenue of the country. It would be unjust and unwise where the home article was taxed to allow the foreign article, which was not taxed, to compete with it; but he denied that the Corn-laws operated as a protection to the revenue. Now, with respect to the glass trade, he would admit, that it would be unjust to allow untaxed glass to come into competition with glass which was taxed, but the question was very different when they came to the question of land. Land was of different fertility. Some land would produce only one bushel the acre, while other land would yield as much as thirty. The taxation, therefore, fell very differently, and they should take care that they were not giving a bounty to some as well as a protection to others. He was prepared to contend that the revenue derived no advantage from this protection, and that it relied more upon imports and exports than upon the amount of taxation paid by the landowners. He thought the noble Lord opposite could not deny this. It was no doubt true, that there were fallacies abroad on this subject; but he must fairly say, that he regarded the monopoly not only as without excuse, but as an insult and an injury. There was no mystery about the revenue, and he should wish those who said it would suffer, to point out the particular branch in which the deficiencies would occur. With respect to the Customs and Excise, did they not give three-fourths, or seventy-two per cent., of the whole revenu e;and could it be contended that those branches would sustain any diminution if the monopoly of the Corn-laws were abolished? He thought it could not. He wished to show to what extent the country was indebted to the landed interest relatively to the commercial interest with respect to their contributions to the revenues of the country. In the cotton manufacture alone it appeared, that there were upwards of seventeen millions annually paid in wages; and when this amount was paid in wages to the consumers of other produce by one branch of manufactures alone, could it be any longer said, that we were indebted to the Corn-laws for the maintenance of our Excise revenue? It was a fact well known, that at those periods in which our manufactures were in the most flourishing state, our Excise was most fruitful; and why, when this was proved to be the case, should they make the productive classes pay more for the food that they consumed than was necessary for any public good? Now with respect to the assessed taxes. He would ask, did the landlords pay more of the assessed taxes than the commercial and industrious classes of the community? No such thing, for, on the contrary, the landowners and the agricultural classes were relieved from many kinds of taxation which other classes in the country had to pay. They were relieved from the House tax, from the window tax, from the horse tax, from a tax on dogs, and from a tax as they all knew, as when land passed by descent, while, on the contrary, the inheritors of personal property were subject to the payment of the probate duty and taxes of that nature. He contended, that the landowners in whose favour those Corn-laws were maintained did not contribute equally to the support of the revenue with other classes of the community. The relation which they bore to the other classes of the community was supposed to be twenty eight per cent., though the usual calculation was, that the relation was one fourth. Could they show, that they contributed to the burthens of the country in the same proportion? Were they able to show, that the maintenance of the revenue depended more on them than on others, and that they were thereby entitled to consideration with respect to those exemptions which they enjoyed at the expense of the other classes of the community? Let the advocates of the landed interest come forward to prove a proposition of this kind, and he would be prepared to prove the contrary. There were some persons who were ready on all occasions of this kind to fall back on the local charges. He would be glad to hear a statement to the effect, that the Corn-laws should be maintained as an indemnity to the landed interest for the share that they contributed to the supportof those local charges. But these charges were charges that we fixed on visible property, and on other property besides land. There were many cases in which the land was exempt from charges for which the small tradesman was heavily taxed. The landowners complained, that they were liable exclusively to the payment of the county-rates and of high-way rates; but this complaint of theirs, as they themselves knew, was most unfounded. Those rates fell on houses as well as on land, and it was not so much the landowners on whom they were charged, as the householders. Besides, he begged leave to remind the country Gentlemen, that during the last three years the agricultural interest had been relieved of many burdens to which it had been formerly exposed. To say nothing of minor taxes which had been repealed, was it not notorious that within that time half of the county-rates had been charged on the consolidated fund?—that the New Poor-law had diminished the poor-rates to nearly one-half of their former amount? And that the value of land had been greatly increased in every part of England by the operation of the Tithe Commutation Act. He asserted, that such had been the consequence of the Tithe Commutaion Act; and as the landowners had been thus benefitted, he thought, that those members of the community who suffered from the oppression of the Corn-laws should have some indemnity or relief in return. "But," said the landowners, "we are entitled to protection, as the malt-tax presses more heavily upon us than upon the other classes, and as it also prevents us from selling so much of our barley as we should sell were it not in existence." Now he denied that proposition entirely; but, supposing it to be true, what inference had he a right to draw from it? Surely this—that if the malt-tax pressed heavily on the agricultural interest, the bread-tax pressed heavily on the other classes, and that if the agricultural interest had a right to say, "Take off the malt-tax and we shall sell more of our barley," other interests had a right to say, "Take off the bread-tax, and we shall be enabled to buy and you to sell more wheat." Unfortunately the landowners had at present a monopoly of both wheat and barley; they had even more—for they had a monopoly of the market and the land. But, said others of the country gentlemen, "We must have protection, because it is as much a part of our system as it is a part of the manufacturing system of the country.' Now, what was the principle of this argument, if indeed argument it could be called? Was it any other than this? "If you, the manufacturers, feel yourselves at liberty to take that from the country to which you have no just right so too do we, the country gentlemen." But did the matter rest here? No. The manufacturer had only a protection of 20 or at most of 30 per cent. whilst the landowner had a protection of 80 if not 100 per cent. The manufacturers of Great Britain did not wish for protection; they repudiated the principle of imposing duties in order to give their productions an undue preference over those of other countries. The imposition of such duties greatly enhance the cost of production, and they were of no real service in securing a market for the staple manufactures of this country, as that object was sufficiently attained by their superior quality and cheapness. It was said, that it was necessary to maintain the corn laws as a political institution—that they were essential to the preservation of our old constitutional system; but this was an argument which had no weight with him. He thought that the resources of a country would be developed with the greatest advantage by employing the population in those pursuits which the natural capabilities of the country pointed out as best fitted for them. It was generally calculated, that 52,000,000 quarters of grain were produced in this country. Of these, he would estimate that 26,000,000 were consumed by the agriculturists, and that the remaining 26,000,000 were brought to market for sale. He believed it was calculated that the agriculturists would lose 12*s.* on each quarter in the event of the ports being opened. Taking the quantity of wheat sold at 26,000,000 quarters, the total loss to the agriculturists, if the Corn-laws were repealed, would be 15,600,000*l.* It was plain, then, that this represented the sum now paid annually by the country for the maintenance of the Corn-laws, a sum which was taken from the pockets of the industrious classes to enrich the landed interest. Surely it was a waste of ingenuity to cut down unimportant estimates, to reduce the salaries of ill-paid public servants, and to carry a searching and sometimes misplaced economy into every department of Governmen , while such an enormous abuse as this, such a prodigal waste of public money, was suffered to continue. The expense of the army and navy was immensely increased by the Corn-laws. In the Victualling Department, the loss to the country had been stated at from 600,000*l.* to 700,000*l.* Yet, while such sums were expended to keep up a pernicious monopoly, Government had so much reduced the pay of the public servants, as to make it no longer desirable for any man of station in society to seek employment in the service of his country. While the officers of every public department of the army and navy were underpaid, who would have believed, that the people of this country consented to sacrifice from 15,000,000*l.* to 16,000,000*l.* annually, not to gain a single six-pence of revenue, but to augment the opulence of a small class of the community. He should detain the House too long were he to trace the injurious operation of the Corn-laws on the various branches of our commerce, but he could not avoid pointing out their effect in increasing the expense of the mercantile navy of Britain. The expense of provisioning ships was one of the principal difficulties which the shipowners of this country had to encounter in competing with foreigners. If the Corn-laws were repealed, this source of expenditure would be removed, and British shipping would come fairly and successfully into competition with that of the Continent and North America. The foreign trade of this country was the principal source of its revenue and the main prop of its greatness, and the chief materials from which it was carried on were its manufactures. The manufactures of Great Britain had enabled its Government to carry on a war at an immense expense against the united power of Europe. Would it be believed, that Parliament had burthened these manufactures with an immense weight of taxation, the direct tendency of which was to offer a premium on the consumption of foreign products, and to drive British capitalists to seek an investment for their money in other countries? The policy of a former age was to rely exclusively on domestic trade, and to discourage foreign commerce, but it was time that Parliament, if they wished to maintain the pre-eminence of the British manufacturers, should abandon this mistaken and injurious system, which was rapidly converting our customers abroad into rivals. Already, our manufactures had been entirely driven from some markets, and were undersold in others. By obstinately persisting in keeping up this relic of our prohibitory system, we had forced other states to have recourse to a similar policy. Prussia and the United States had established tariffs, imposing oppressive duties on many important articles of British manufacture; and there was no likelihood that those powers would be induced to modify them, unless we consented to take their raw produce, of which the staple article was grain, in return for our manufactured goods. In 1830, Mr. Huskisson had declared, that these and other injurious consequences would result from an adherence to the restrictive system, and his predictions had been fully verified. He would appeal to the hon. Members for Nottinghamshire and Derbyshire, though he had no acquaintance with those hon. Members, in proof of the deep distress which the manufacturers of those counties felt, in consequence of being unable to compete with the foreign manufacturer. In Nottinghamshire, the trade of that county had been to a great extent ruined by foreign competition within a period of less than the last ten years. There was twenty per cent difference in the cost of producing hosiery in Nottinghamshire, and the price at which they were able to import manufactured hosiery from Saxony. Consequently, it was found more advantageous to import foreign hosiery. The consequence of this was, that we lost a branch of trade which was worth 900,000*l.* annually, and, in the two counties of Nottingham and Derby, not less than 40,000 persons had, within a few years back, been employed in this trade, which was now nearly ruined. Forty thousand persons were thus reduced to a state of the most shocking distress. The capitalists of this country could not compete with foreign manufacturers from the comparative dearness of living in this country, and the consequence was the extensive introduction of machinery as a substitute for human labour, and the great increase of unemployed hands. This was particularly the case with the cotton trade; but it must necessarily extend to the rest. In France, in Switzerland, and various other countries, the manufacturers were now successfully competing with England in consequence of the cheapness of food and of production, and would in a short time completely exclude us from the Continental markets. There were five millions of people in this country depending on the manufacture of cotton goods, and nearly as great a number on the hardware manufacture. Could hon. Members treat their interests lightly? Several witnesses from Sheffield had proved, that manufacturers to a great extent had left that town and established themselves successfully in the Rhenish provinces of Prussia; and why? Because bread was there only 1½*d.* a pound, and beef 3½*d.*, whilst the corn monopolists of this country maintained the prices of the former of those articles at 3*d.* and 4*d.*, and the latter at 7*d.* and 8*d.*; this was the reason we were beaten on our strongest ground. But the question was, of what value to the country was its foreign trade? And, on this subject, he did hope that hon. Gentlemen who advocated the Corn-laws would speak out in the course of the debate; because, he found it impossible to meet a manufacturer who did not tell him that the Corn-laws were ruining the country. He had collected and sifted all the evidence he could find with reference to foreign trade, and he was quite convinced, that the question was, whether they would have foreign trade or Corn-laws. But when the catalogue of evils resulting from the Corn-laws were summed up, he wanted to know where they were to turn for the benefits of those laws—for cheering results to the community at large? Twenty-four years had now passed under the present or a slightly modified system of Corn-laws, and he wanted to know what had been the advantage which the country had received from them during that long period? Where was the class which could speak to the beneficial results of these laws as concerned their peculiar interests? Would the landowners come forward and represent themselves as a happy, prosperous, and contented race? They had never been in the habit of representing this to be their condition. Why, it was not possible to open one of the petitions and reports which covered the shelves of their library without declaring that there was conclusive evidence of the pernicious effects of these laws. Take the report of the Committee which sat in 1821, only five years after the Corn-law had passed; why, that very report spoke of the great distress of the agricultural body which that law was passed to prevent; and what did the Committee say further? Why, they more than hinted, they all but expressed, that it was the operation of the Corn-laws which caused this distress. And, if these evils flowed from the measure of 1815, he wanted to know what better results they could boast of from the law of 1828? What was the professed object of the law of 1828? It was to regulate and make steady prices of corn. Yet so far was it from producing these effects, so far, at least, was it from keeping corn steadily at a remunerating price to the grower, that it was found necessary, between 1828 and 1833, to appoint several Committees to inquire into the causes of agricultural distress. Now, he would say, that on nothing did the well-being of the farmer depend more than on steadiness of prices; but he would defy any human being to sit down and devise a more effectual means of bringing about unsteadiness of prices than the Corn-laws. The Corn-laws promised the farmer that he should have a certain price for his produce, but did they provide the means of securing to him that price? They promised to the farmer that which they could not fulfil; they promised him a price of between 60*s.* and 70*s.* a quarter for his wheat, but they gave no security for this; no effectual means were taken to keep the price up to that standard. They did not guard him against the effects of differences of the seasons; against differences of the soil as between this country and Ireland; against improvements in cropping and other agricultural operations, and therefore they did not take any effectual means to secure the prices at a fixed level. He found, indeed, that the Dutch, when they wanted to secure the monopoly of spices to themselves, were accustomed to destroy great quantities every year, and he said, that this was something intelligible. He did not say it was just, but it was at least intelligible, and a reasonable mode of keeping up the price: but in this country no means whatever were taken to render stable the prices of agricultural produce. Now this was the cause of all the distress which had prevailed since the enactment of the present system of Corn-laws—namely, that they passed a law assuring the farmer that he shall have 70*s.* a quarter for his wheat, which immediately after falls to 36*s.*: thus the farmer having speculated upon the certainty of getting nearly twice the actual market price runs in debt to his landlord, and is ultimately ruined. In fact, they had raised the price of production, and limited, at the same time, the field for the employment of capital. But then they heard of the landed interest, which was supposed in that House to include both the landowner and the cultivator; and it was said, that to repeal the Corn-laws would throw the land out of cultivation, and destroy the labourer. Now he would ask hon. Gentlemen to remember what was the condition of the agricultural labourer throughout the country in the year 1830; was he not in nine cases out of ten a pauper? Was he not told, that his labour was not wanted; and was he not charged in most parishes with some offence against law in breaking machinery? But did hon. Gentlemen care for the labourer in other matters? Would not the agricultural labourers, as far as they were concerned, rather desire to put a stop to the employment of machinery than to support the continuance of the present system of Corn-laws? He had heard of the steam-plough. If that succeeded, it would throw thousands of labourers out of employment, but he did not expect, that care for the interests of that class would prevent its adoption. The labourer, in fact, could not be held to be in any way benefited by the Corn-laws, or favourable to the continuance of them. He had now proved, that two branches of the landed interest were inimical to the Corn-laws—the occupiers and the labourers—and the only one remaining was the landholder. To the landholders he appealed to repeal the law, and thus relieve the country from a grievous injury and themselves from a serious charge. He could show, that the landholders would not be injured by the repeal, but he would not take that ground; he asked for it as a repeal of a great public wrong; and, being such, the greater the injury to individuals the more strenuous would be his advocacy. But he called on them to consider the position of this country; he would recommend them to contemplate her position, and review her history; and he would ask them as politicians whether there was any wisdom in maintaining laws which were opposed to the intelligence and interests of the people at large? They could not stop the progress of events, and it became them to pause and consider whether they could maintain their present elevated position by means of other than moral influence, and whether they would not be more likely to fall beneath the pressure of public opinion than to maintain themselves by resisting it. He did think, that this was a question in which the interests of a few were on one side and those of the community on the other. He knew it was one which had been artfully and unnecessarily mixed up with others with which it had no connexion—with questions of radical changes in the constitution of the country; but there was a great difference between proposing the repeal of a system which was proved to be unsound in principle and bad in practice, and of measures the advantages of which were merely speculative. But if they withheld what he now demanded, and which was just, they would be furnishing the advocates of what was unjustifiable with an argument in favour of their purposes. Every friend of the country should raise his voice for the repeal of those laws, and for the establishment of commercial freedom, which was as essential to our prosperity as the civil and religious liberty for which we struggled in former times. We fought for and won the latter; and it was now the duty of public men to use their best efforts for the emancipation of our commercial interests. They should look to the welfare of the industrious classes of the community, and enable them to fulfil the designs of nature, and, by the exchange of their toil with their fellow-men, to obtain an adequate reward for their industry. He would now move, that this House do resolve itself into a Committee of the whole House to consider the Act of the 9th of George 4th, c. 60, relating to the importation of corn. He had put his motion in this form to avoid offending the prejudices of any person. He did not hope that Members would pledge themselves to repeal the Corn-laws, but he hoped that they would admit, that the law as it stood at present was defective, and would vote for a Committee. He felt bound, however, to add, that it was his intention to move in the Committee for the entire and immediate abolition of the Corn-laws.

Sir *W. Molesworth:* Though his hon. Friend whose motion he now rose to second, had nearly exhausted the subject which he had so ably brought under the consideration of the House, yet he could not refrain from offering some few observations as to the effects of a restricted trade in corn. In his opinion, the tendency of the Corn-laws was to create discontent, uneasiness, and an infinitude of moral evils, amongst the great bulk of the community; and it could, he thought, easily be proved, that the statute which his hon. Friend proposed to repeal, materially impeded the advance of this country in a career of wealth, power, and social improvement, which might, and would, be without a parallel in the universe, were we permitted to import from foreign lands the common food of our people. For it must be acknowledged, that a nation was rich or poor, was powerful or weak, ranked high or low in the scale of civilisation, according to the facility or difficulty with which it obtained food for its population—according as a less or greater proportion of hands is employed in raising subsistence for the whole society, or, in other words, according as there was a greater or less proportion of disposable population—disposable for other purposes than those of merely creating the first necessaries of life. This position, if controverted, could easily be proved by comparing the state of society of two countries, in one of which there was, on account of the facility of raising subsistence, a large disposable population; and in the other of which, on account of the difficulty of obtaining food, hardly any disposable population existed. In the latter community, the production of the requisite amount of food would consume the whole labour of the whole population, with the exception of that small fraction of the people which, even in the most uncivilised states of society, would be employed in those rude arts and manufactures by which the population was clothed and lodged. On the production of the first necessaries of life, the whole industry of the community would, therefore, be expended, and each individual would produce, by his daily labour, little more than sufficient food for his daily wants. In such a state of society no individual could possess any amount of leisure; there could be no disposable portion of the population, fed by the remainder, to be employed either for the purposes of defence or aggression, or in the production of the various articles of comfort and luxury which were enjoyed by more advanced communities; there could be no combination of labour, nor arts, nor manufactures of any importance, nor commerce, nor science. Such a community, even though its inhabitants might obtain a sufficiency of the necessaries of existence, would be essentially weak, poor, uncivilised, and removed, at least, but slightly from the savage state. Far different, on the other hand, was the condition of the country in which only a small portion of the population needed to be employed in procuring food for the whole society, and where, consequently, a large surplus of food was raised beyond that which was required for the maintenance of the producers of food. That surplus provided subsistence for the large disposable population; in return for that subsistence, however, the disposable population must minister to the wants and pleasures of those to whom the surplus of food belongs. The mode and manner in which the disposable population would be employed, whether for the use of the whole community, or for creating the luxuries and enjoyments of a few individuals, must depend upon the will of those who possessed the surplus. It was to that surplus, however expended, that a country like this owed its civilisation, its marvellous combination of labour in the production of its manufactures, its extended commerce with the various nations of the globe, its possession of the different productions of foreign lands, which, at first, were considered luxuries to be obtained by a few, and have now become almost necessaries consumed by the great bulk of its people. That surplus had bestowed upon us all the arts and enjoyments of civilised life. It was the fund out of which the community paid those who devoted themselves to the different sciences or learned professions, who followed the lighter pursuits of literature, or cultivated the severer studies and the higher speculations of the intellect. It constituted the means by which society hired lawyers, physicians, clergymen, poets, novelists, philosophers, and statesmen. To that surplus of food we owed our armies and navies, our national debt, and the means of defraying the interest thereon. To this surplus we stood indebted for our crowded cities, our temples of piety, our theatres of amusement, our schools and colleges of education, our halls of legislation and justice—in short, for Queen, Lords, Commons, and Established Church. The wealth, the power, and the civilisation of this country, all depended upon, and were accounted by, its large disposable population. It was evident, therefore, that in proportion as our disposable population, compared to the whole population, increased, this country would advance in wealth, power, and civilisation. It was equally evident, that, according as the number of hands employed in raising food, compared to the whole population, increased, the social advancement of this country would be checked, or would retrograde. Everything, therefore, which tended to increase the disposable population was a good; everything which tended to increase the proportion of hands employed in obtaining food for the whole community, or, in other words, everything which compelled the expenditure of a greater quantity of human labour in this country in the production of food was an unmitigated evil. These positions seemed to him clearly to point out the injurious effects of a law which restricted the importation of corn. That law obliged us to produce at home by far the greatest portion of the food upon which the subsistence of our population mainly depends, and for whose growth our climate and soil were but ill adapted. A labourer in England could not produce anything like as much food by tilling the soil as he could obtain in exchange for the products of his manufacturing industry. Thus the immediate effect of the Corn-law was to augment the proportion of labourers employed in growing subsistence for the whole community, and to decrease to the same amount the disposable population; the community was, therefore, less rich, powerful, and civilised than it might be with an unrestricted trade in corn. But this was not all; our population, whether slowly or rapidly, was increasing, and would increase; with each increase of population there must likewise be an increase of food; in order to provide that increase of food under the Corn-law, recourse must be had to worse soils, or to a more laborious cultivation of soils already in tillage; in both cases, a greater amount of human labour would be required than before, in the production of the same amount of food; there would, consequently, be a comparatively less and less disposable population, and our wealth, power, and civilisation, would rather retrograde, unless, under the highly improbable supposition that, with each increase of population, there should be such improvements in agriculture, that the increased supply of food required would be obtained without a more than proportionate increase of labour. This view of the evils occasioned by the Corn-law afforded the best and readiest answer to those who objected to unrestricted trade in corn, on the ground that it would render this country dependent for the subsistence of its population, on other and distant lands, which dependence they held, would be a cause of fearful insecurity and weakness. To this he would reply, that, at the present moment, this country is dependent for a portion of its food upon foreign countries; that it could not abstain altogether from the importation of food without frequently suffering great distress—in many cases actual famine; that, in order to be secure of that supply of food which this country even now required, you must be rich and powerful; rich in order to command a supply of subsistence in the markets of the countries possessing superior facilities for raising food; powerful, in order to defend your trade in food from the aggressions of other nations; that you would be rich and powerful in proportion to the amount of your disposable population; that, with that vast disposable population which would be consequent upon unrestricted trade in corn, you might stud the seas with your ships, cover the land with your armies, set at defiance any one nation, or any combination of nations, which might be leagued in hostility against you, and carry on in security an extended commerce with every other portion of the globe. In the preceding remarks he had only traced the effects of the Corn-laws upon the aggregate wealth and power of a community; he had briefly proved, that the wealth and power depended upon the proportion of the disposable population—upon the smallness of the proportion of hands employed in raising food. He had shown that the surplus of food which remains after maintaining the producers of the first necessaries of existence, was distributed by the possessors of that surplus to the disposable population in return for services of various descriptions. There still remained a most important question as to the facility with which the great bulk of the population could obtain food, and upon what that facility depended. If the whole of the population, with the exception of a few possessors of food, were obliged to work hard, to labour late and early, in order to obtain sufficient subsistence, the mass of the community would be degraded and unhappy. The higher classes composed of the few, to whom the supply of food belonged, might possess every luxury and enjoyment, even in superfluity, might be refined and well educated, whilst the rest of the community would be doomed to a life of unremitting toil, consequently to ignorance and perpetual degradation. On the other hand, if the people could obtain food in return for a small amount of labour, they would have time for cultivating their intellect, and for the various amusements and enjoyments which alone render life desirable; and, instead of being hard-worked and miserable slaves, they would be a happy and contented race. The aggregate wealth and power of a community depended, therefore, as he had already observed, upon its disposable population; the happiness of each individual member of the community, and consequently the happiness of the whole, the grand object of legislation, depended upon the facilities with which each individual could obtain food from its possessors. The question, "Upon what do these facilities depend?" would require for its answer the investigation of a great variety of questions, social and economical, of surpassing difficulty and complexity. He should, however, necessarily at the present moment, confine himself strictly to the effects of the Corn-law upon the comfort and well-being of the community. To what extent, he would ask, did that law decrease or increase the enjoyment of those who live rent free, upon the profits of stock, and upon the wages of labour? When wages were high the labourers were contented—when profits were high the capitalists were at ease — and when the value of land was high the landlords were prosperous. Now, were these three interests consistent or inconsistent one with another? He felt profoundly convinced that they were consistent, and that it was only in consequence of the Corn-law that they appeared opposed. Upon what, he asked, did high wages and high profits depend? Upon the means of productively employing labour and capital. The amount of wages depended upon the proportion between the number of labourers and the means of profitably employing them, if the number of labourers were large, and the means of profitably employing them small, severe competition took place amongst labourers, and the wages of labour were beaten down, and each labourer consented to give a large amount of labour to the possessors of food in return for subsistence. Prevent, he said, this severe competition by extending the field for the profitable employment of labour, and the wages of labour would be high, and the labourer at ease and contented. In a somewhat similar way, if the amount of capital were large compared with the means of profitably employing it, severe competition took place among capitalists; capital was invested in every trade which held out a chance of profit; overtrading took place, and the possessors of produce endeavoured to obtain a market by underselling one another, by submitting, in most cases, to a reduction of price, which left them a smaller profit than before. The ultimate effect of such competition amongst capitalists was a general fall of profits —only the large capitalists could then live and accumulate upon the reduced profits of their enormous capitals; the smaller capitalists, unable to maintain themselves upon the profits of stock, became bankrupts, and were absorbed in the labouring class; and if this severe competition were to continue, the community would ultimately consist only of two classes—labourers and the possessors of immense capitals. These are the most prominent evils occasioned by a superabundance of capital compared to the means of profitably employing it. Augment, he said, the field of employment, and then the hurtful competition between capitalists and the hurtful competition between labourers, which exist in this country, would cease, and wages and profits would rise. This result might be brought about, for instance, by some agricultural improvement, which would increase the productive power of land already under tillage, and render productive a large quantity of land which had previously been sterile. An event of this kind had happened within the last few years. Great improvements had taken place in agriculture in Ireland; these improvements, together with abundant harvests, had produced, to a certain extent, nearly all the same effect in extending the field of production, as if the Corn-law had been repealed. Hurtful competition had, in some degree, abated; wages and profits had risen; and the bulk of the people had been more contented and peaceable; but this effect was only of a temporary kind—population and capital would again grow up to the field of employment, hurtful competition would again take place, wages and profits would fall, and the bulk of the community would be discontented and uneasy, unless the field of employment again increased in proportion to the addition to capital and population. It could hardly be hoped that the field of production would continue to be constantly extended to a sufficient degree by successive improvements in agriculture. If not, the evils to which he had referred must take place, unless other means were found of profitably employing our productive powers. The powers of production of this country had no other limit than the number and extent of the markets in which we could dispose of our home produce; but the markets were now closed; the foreign channels for the supply of food were cut off; the field for the productive employment of capital and labour was limited by the Corn-law. Repeal, he said, the Corn-law, new markets would be created; with our perpetually increasing and inexhaustible means of purchase, our importations of food from other countries, might go on increasing, so that capital and labour might perpetually increase, and find a sufficiently extended field of production to prevent competition, and to ensure high wages and profits. At the present moment we had a superabundant capital, and a superabundant population compared to land. A repeal of the corn law would be tantamount to an increase of the land of this country. The capital which, on account of low profits, either remained dormant, or flew off to other countries, and was invested there in the wildest and most unproductive speculations, employing foreign hands, and leaving at home a domestic excess of labour, would be invested in this country and find ample employment for our labourers in producing articles of exchange with other countries for food. But not only did the capitalists and labourers suffer from an excess of capital and people, but all other classes of the community were sufferers by the same cause, except the landlords, who, he believed, were injured in another way by the Corn-law. Not only those who live upon the interest of capital, felt the hurtful effects of the competition produced by the Corn-law—not only in the anxious search after and struggle for employment was every trade overstocked, but every profession was overfilled. There was an excess of farmers seeking farms—of shopkeepers endeavouring to find purchasers, (and therefore dependent and degraded by being dependent upon their customers), of dealers in wholesale and retail, of manufacturers, merchants, of lawyers without briefs, of clergymen without cure of souls, of doctors without patients, of sailors and soldiers desirous of employment, and candidates for promotion; of architects, painters, surveyors, tutors, clerks, and others. All these classes were uneasy, all complained of the number of competitors, and of the difficulty of finding employment. This general uneasiness produced a fearful list of moral evils; unable to maintain a family upon their scanty means of employment, a considerable portion of the population were doomed to celibacy, or to marry very late in life, consequently there was an excess of unmarried women, too few of whom, alas! ever reached the honoured state of being a wife; hence immorality without a parallel in any other country; and every foreigner who visited England was shocked at the amazing number of prostitutes who crowded our streets. Not merely, therefore, was every portion of the community except the landlords, in a state of uneasiness and discontent in consequence of the severe competition produced by the Corn-law; but, by that competition, one class of the community was set against another, and the interests of the labourers and the capitalists who employ the labourers appeared opposed; the former supposed that they would have higher wages if the capitalists were less greedy of gain, and the capitalists attempted to augment their profits at the expense of the wages of labour. Though neither of the conflicting parties could obtain permanent success, though the labourers could never on a limited field of production permanently raise their wages at the expense of the profits of the capitalists, except by diminishing their numbers, nor capitalists permanently beat down the wages of labour except by decreasing their capital: yet in every trade, at different times, endeavours were made by combinations of masters unduly to raise profits, and by combinations of labourers, by trades' unions, strikes, &c., unduly to augment wages: these struggles, though in some cases, for a time successful, ultimately failed in obtaining the desired object; hence those feelings of hatred which were too frequently entertained by the labouring classes of this country towards their employers; and hence the distrust and apprehension which the monied classes felt towards those who subsisted on wages. Thus the power, the wealth, and the happiness of this country were impaired by the Corn-law, which was made for the supposed protection of the landlords—he said, supposed advantage of the landlords, for, he believed, that with the increase of wealth and population which would be the consequence of an unrestricted trade in corn, land would soon become more valuable than at present, and, consequently, pay higher rent. For rent was the value given in return for the use of land; land was valuable in proportion to the demand for it; and if the competition for its use depended upon its vicinity to markets and manure, to its fertility, &c., these natural advantages the land would not lose by the repeal of the Corn-law, with an unrestricted trade in corn; though the competition for the use of land for growing corn would be diminished, yet the competition for the use of land for other purposes would be excessively augmented, and would continue to augment in proportion to the increase of the wealth and numbers of the community. With an unrestricted trade in corn, and consequently with an increasing field of employment for labour and capital, our population would augment at a most rapid rate; the size and number of our towns would in a short time be doubled; few, he thought, could doubt, that then, in those thriving marts of industry, there would soon be a greater demand for the many products of British land, exclusive of corn, than there was at present, inclusive of corn. Not only, therefore, did the landlords injure all other classes of the community, but they injured themselves likewise, through their ignorance of the effects of the Corn-law; yet, it was to this very class, returned to this House by the servile votes of their dependent tenants, who, by their legislation, had worked the evils he had mentioned—it is to this very landed interest that the noble Lord, the liberal and enlightened statesman who framed the Reform Bill, desired to give preponderance by that measure, and in his place in this House had ventured to assert, that upon the preponderance of that interest the stability of the institutions of this country depended. He denied altogether, this position, and he pointed to the Corn-law in refutation of the noble Lord. He contended, that the stability of this country depended upon the wealth, power, and happiness of the whole community, and that its stability was therefore impaired by the conduct of the landed interest with regard to the Corn-law, and it was with this feeling and this conviction that he most cordially supported and seconded the motion of his hon. Friend.

The Marquess of *Chandos* rose to give his decided negative to the proposition of the hon. Member for Wolverhampton. He had listened with great attention to the speech of that hon. Member, and he must say, that the hon. Member had redeemed his pledge to his constituents, to do all he could for the repeal of the Corn-laws. The hon. Member, towards the close of his speech, had attempted to enlist the feelings of the manufacturing classes in his favour, by describing the agricultural interest as opposed to them. He regretted this, inasmuch as he defied the hon. Member to show an instance in which the agricultural classes had ever forwarded any object in opposition to the manufacturing interest. He saw clearly, that nothing would satisfy the manufacturing interest but the total and entire repeal of the Corn-laws. Why did some hon. Members seek to deprive the agricultural interest of all protection? Was not the manufacturing interest protected; and did not both agriculturists and manufacturers require protection? Not many days since, an hon. Member came down to that House, and asked a question with regard to the linen manufactures of Ireland, inasmuch as he was alarmed at the interference of foreigners in that trade. All the agriculturists required was protection. He again defied the hon. Member for Wolverhampton to produce an instance on record where the agriculturists had ever put themselves forward to injure the manufacturing classes. The hon. Member for Wolverhampton in the course of his speech, had stated, that nothing could be more satisfactory to the farmer than steady prices. He went along with the hon. Member entirely in this opinion, but the course which the hon. Member wished them to take, namely, the repeal of the Corn-laws would not produce steady prices. If the Corn-laws were repealed, he would venture to assert that no farmer in England could exist, and from the ruin of the farmers, no wages would follow to the manufacturing labourer. It was true that the artisan had been led to hope, that cheap bread would be the result of the repeal of the Corn-laws; but he would tell the artisan that if cheap bread were to be the order of the day, he must also recollect, that if the Corn-laws were repealed, he would not have the high wages he now enjoyed, and which he ought to enjoy. The House must recollect, also, that during the present year, or year and a half, there had been a considerable importation of foreign corn. It appeared from the papers that had been laid on the table of the House, that from the 5th of January, 1836, to the 5th of July, 1837, no less than 104,209 quarters of foreign corn had been brought into this country. If the Corn-laws were repealed, and if they placed on the same footing as foreigners the farmers of this country, heavily taxed and burdened as they were, what would be the consequence? It appeared from documents before the House, that corn was grown in Germany and sold at Hamburgh, for 31*s.* the quarter, from whence it was imported into Hull at an expense of 2*s.* per quarter. How, then, he asked, could the English farmer, situated as he was, compete with the foreigner? If they were beginning the world again, if they could reduce the burdens of the country and get rid of the present extreme weight of taxation, the farmer would not require the protection he now required; but, situated as the farmers were, and as the country was at that moment, if they took from the farmer the protection he now had, he was sure that it would bring down certain destruction on the best interests of the country. He was confident, that anything he could say would not impart any interest to a subject which had been repeatedly before the House; and, indeed, from the state of the House, no one would believe that they were discussing a subject of such vital interest to the community at large. There was, indeed, one Member of the Government present, taking his evening siesta, wearied with the fatigues of office. But in spite of the little interest which the question appeared to excite, he was sure that his appeal to the country Gentlemen in the House would be sufficient to induce them, by a decided vote, to put an end to all the hopes of hon. Gentlemen of a repeal of the Corn-laws. He considered, that he was only performing an act of duty towards the agriculturists in opposing this motion. He opposed it upon no grounds of hostility to that interest which the hon. Member for Wolverhampton supported and defended, and very properly so, in that House. He had no wish to produce towards the manufacturing interest the slightest injury, but he must also be allowed to say, that he should not feel, that he was doing his duty to those who had sent him to that House, if he did not protest against this motion in the strongest terms he could possibly use. The hon. Member for Wolverhampton had stated, fairly and honestly, that he wanted a Committee to inquire into the operation of the Corn-laws, for the purpose of effecting their total and entire repeal. There could, therefore, be no disguise, or mistake, in the votes of that night. Those who voted for going into Committee must be prepared to go with the hon. Member for Wolverhampton to the full length of the repeal of the Corn-laws. If hon. Members thought otherwise, they must be mistaken with their eyes open, for the hon. Member for Wolverhampton told them that he wanted the House to go into Committee in order that he might move the total and entire repeal of the Corn-laws. Was it possible for any Gentleman connected with the landed interest to take the first step without being prepared to go the full length of the hon. Member for Wolverhampton? He cautioned hon. Members not to be led away; and he could say for himself, that he never felt so much pleasure as he did at that moment in honestly getting up and opposing this motion in every possible way. The hon. Member for Leeds (Sir W. Molesworth) had made some severe remarks on the landed interest in that House, and upon country gentlemen, and he had stated, that those Gentlemen who opposed this motion, were returned by the servile votes of their tenants. He must beg leave to say, that he did not deserve this censure. He held his seat in that House as honourably and nobly returned as the hon. Baronet (Sir William Molesworth). He had stood more than one contest, and he could say that he had never been returned by the servile vote of any individual whatever. He was confident, that the hon. Baronet, upon reflection, would not attempt to cast a stigma upon country gentlemen which the hon. Baronet knew perfectly well they did not merit. He would not trespass longer upon the indulgence of the House, more than to express his earnest hope that the division of that night would show to the country that they were not prepared to take the step which the hon. Member for Wolverhampton called upon them to take. It had been stated, that the farmers sought to keep up a monopoly. It did not appear that they were able to do so even if they desired it, which he utterly denied. The scale of prices framed by that House was of such a nature, that while, on the one hand, it was a security to a certain extent to the farmer, it prevented, on the other hand, an extreme rise in prices, and it prevented that dearness of bread which the hon Member for Wolverhampton was so anxious to provide against. For many years the prices had been such as to give no dissatisfaction to the community at large. The operations of the farmer were open to the eyes of the world. He had nothing to rest upon but his own exertions, and the support and protection which Parliament afforded to him. All the farmer asked was to be protected in the same way in which the manufacturer was protected. They asked for even-handed justice, and he was sure the House would not refuse their prayer.

Mr. *C. Berkeley* could not agree with the hon. Member for Wolverhampton. He thought, if the Corn-laws were repealed, the agriculturists would lose their chief stay and support. He did not think it possible to separate the agricultural interest from the trading interest. He was well aware that at the last election it was attempted to raise a cry that the Liberal candidates were inclined to throw over the agricultural interest for the sake of the manufacturing interest. This cry was raised for party purposes, as it was impossible for any sensible man to entertain for a moment the notion that these interests were not completely inseparable. He felt bound to vote against the motion.

Sir *H. Parnell* said, that the noble Lord, the Member for Buckinghamshire, had just stated, that the agriculturists required nothing more than a fair extension of that protection which was afforded by the laws of the country to the manufacturing interests. But he begged to assure the noble Lord of the fact, that the manufacturers of the kingdom were themselves aware of the impolicy of the restrictive system which had so long been enforced; and a short time since, he had had the honour of presenting to her Majesty's Government a memorial from his constituents, who, although manufacturers, saw the impolicy of restrictive laws, and particularly as applied to their own peculiar branch of trade. The noble Lord's speech to-night, like his speech on many similar occasions, treated only of one party—namely, the farmer, as interested in this question. "How (asked the noble Lord) is the farmer to exist if he is not protected in the sale of his produce?" Now, all this in his opinion was a practical delusion, which kept out of sight the true character and bearing of the question. He begged most distinctly to declare his opinion, that there was no one interest in the country which derived any advantage from the Corn-laws but the landowners. Under the non-leasing system, which now almost universally prevailed throughout the country, the farmer could derive a very small and temporary interest from an increasing price of corn. As long as the rent was apportioned to the average price of corn, as at present, the farmer could not have any interest in the price of corn, and the landowner was the only person who profited by a rise in price. On the other hand, whilst the farmer gained nothing by the Corn-laws, he lost much in the increased prices of all the various commodities which he had to purchase, and which necessarily kept pace with that of corn. If this point were properly considered, the farmer would see, that his true interest consisted in having corn cheap instead of dear. He repeated again, that out of the vast community of this kingdom, amounting to 24,000,000 of souls, there were but a few hundred thousands who obtained any advantage from the tax raised by means of these Corn-laws upon the prices of all articles of consumption. With respect to the amount of this tax, taking an average increase in the price of corn of only *5s.* per quarter, this, at a computation of fifty millions of quarters of different kinds of grain, which were consumed annually in the kingdom, gave a tax of no less than

12,500,000*l.* in amount. Yet it was not to be supposed, that this twelve millions and a-half went into the pockets of the landowners—even that was not the case, the simple fact being, that the greater part of this sum was actually lost in the greater expenses necessarily incurred in procuring corn of home produce, instead of resorting to foreign markets for a supply. A very small sum, not more than one-third or one-fourth of the whole tax, eventually went into the pockets of the landlords. Looking, therefore, at this question in what he conceived to be its true light—looking at the variety of interests which were involved in the repeal of these laws, whilst the landowner, and the landowner only, derived any benefit from them, he should most cordially support the motion now before the House.

The Earl of *Darlington* said, that as he represented a large agricultural constituency, he held it his duty to say a few words on the present occasion. The hon. Member opposite had calmly and coolly discussed the question, but he had drawn the most extraordinary inferences and conclusions from his arguments. It had never fallen to his lot to be more astonished than he was by the speech of the right hon. Baronet (Sir H. Parnell), whose late intimacy with Dundee seemed to have wrought a wonderful change in his views on the Corn-law question. From the hon. Baronet's speech many would suppose that he, like the hon. Baronet, the Member for Leeds, had been all his life opposed to the Corn-laws. Such was not the fact, for the hon. Baronet was a strong advocate for those laws in 1813, and had advocated a total prohibition until corn sprung up to 80*s.* per quarter. He must state, that he had paid the greatest attention to the arguments which had been urged on other occasions in favour of a repeal of this measure, and he had heard no new ones introduced in this discussion. Hitherto they had failed to convince any except a few hon. Members in former Parliaments, and he had no doubt such would be their result in the present. All he asked for the landed interest was justice, and not exclusive privileges. He did not call the Corn-laws an exclusive privilege, for they did nothing more than give to the agriculturist the same protection which was enjoyed by every class of manufacturers. The hon. Member for Wolverhampton had said, that the object of imposing duties on our manufactures was to raise a revenue, and that it was not done for the benefit of the manufacturer himself. He was surprised at this remark, and still more so at that of the hon. Baronet, the Member for Leeds, that the manufacturers would be glad if the duty were taken off. He must say, that he had never heard anything of the kind from the glovers, shoemakers, or other country manufacturers of the kingdom, and his own opinion was decidedly opposed to it. Then, again, if such were the case—if the duties were removed—how greatly it would affect Ireland, from which country not less than from 12,000,000*l.* to 15,000,000*l.* worth of produce was imported into England at the port of Bristol alone. As the Corn-laws stood now, every labourer was enabled to enjoy his full rate of wages, sufficient to support his wife and family in comfort; but if these laws were repealed, much of the land which was now cultivated would lie waste, and many of the labourers would be thrown out of employment. The present law had many advantages over that of 1815. Some had said, that its purpose was to enhance the price of corn, but this he denied; for its object really was to keep corn at a fixed price, so as not to be subject to the fluctuations of seasons. Others again said, that it was to make corn dear, by keeping it scarce; but nothing could be further from the wish of the landholders, for their wish was to have a great abundance at the lowest possible cost; all they asked for was a remunerative, but not an excessive, price to the farmer. A few years ago great distress had prevailed amongst the agricultural classes, and it was said, that corn was then lower than it ought to be. Farmers were obliged to pay their rents out of their capital, and not from the produce of their land, and yet every other interest of the country was flourishing. In 1836 a Select Committee was appointed to inquire into the causes of it, and to propose, if possible, some means of remedy. Had his noble Friend, the Member for Buckinghamshire, been chairman of that Committee, as had been previously suggested, it would have given confidence to the farmers, and might have been of service; but as it was, the Committee came to no result, and gave not a single opinion on the subject. It came out, however, in evidence, that one great cause of the distress was over-production; but surely it was fair to argue, that if in an abundant year there was more than sufficient, in an inferior year the deficiency was not very great. The price of corn always rose faster in proportion than it fell; and he thought if there were to be a duty at all, a fluctuating one was preferable to its being fixed.

Sir *H. Parnell* begged to explain, that when he advocated the opinions alluded to by the noble Lord who had just spoken, it was the year before the termination of the war; and his object was, not to maintain a high price of corn, but to insure a certain introduction of it into this country.

Mr. *Clay* did not wish to enter into the wide field of discussion which this subject offered, for he could add nothing of importance to the observations which had been already made. He must say, however, that the supporters of the repeal of Corn-laws had little or no support from the public without the walls of the House, and he deeply deplored the apathy that existed in the public mind respecting it. It was true that it was so; and this he was bound to say, though nothing but a pressure from without could obtain any material modification of these laws. Now, for a repeal of the Poor-laws there had been presented to the House not less than 235 petitions, with upwards of 190,000 signatures, whilst a much smaller number of petitions, and with only about 24,000 signatures, had been laid before them for a repeal of the Corn-laws. So that nearly 200,000 applied for a repeal of that law from which the people of this country had received such benefit—which would regulate the price of labour—had corrected such great evils in our social system, had arrested so much the demoralization of the lower classes, and the only objections to it that had been urged in the House had been in detail, and not in principle; whilst for a repeal of a law which in every way depressed the energies of the people, not more than 24,000 had petitioned. Notwithstanding the existing apathy of the public mind on this question, he felt convinced that the people of England would ere long speak out in a voice that could not be misunderstood, and that the present iniquitous system of Corn-laws would be demolished at one blow. He need not say how injurious those laws had been to the manufacturing interest of the country. They had, in fact, been the main cause of the establishment of the Prussian commercial league, which had been so successful as almost to deprive England of an European market for her exports. He called upon hon. Gentlemen who defended the present system of Corn-laws to point out one single manufactured article which was protected to a like degree with corn. The protective duty on corn differed, indeed, from the protective duties on manufactures, not only in its amount, but also in its nature. There was no manufactured article in this country protected by a duty varying like the duty on corn, in proportion to the price of the article. It was his intention to have moved an amendment expressive of the expediency of substituting a fixed duty on corn in lieu of a duty varying in accordance with the average price, but in compliance with the wishes of several Gentlemen near him, he should refrain from proposing it, in order that the attention of the House might not be divided. Should the original motion be carried, he would submit his proposition to the Committee which would then be appointed.

Mr. *D'Israeli* could not agree with the hon. Member in thinking that the Prussian commercial league was the result of the British Corn-laws. It had taken its origin, he conceived, not in a jealousy of England, but of France; and had been produced, not by the English system of Corn-laws, but by the French Custom-house regulations. Neither had the Corn-laws had any effect in occasioning the adoption of the American tariff, which was only the carrying into effect practically principles which had been recognised in that country for more than half a century. Much had been said of the advantage which the British manufacturers would derive from the abolition of the Corn-laws, but he conceived it to be a delusion to suppose that, were a different state of the law to prevail in this country with regard to corn, the continent would suffer England to be the workshop for the world. The real question for the House to inquire into was, whether or not there existed any good ground to fear competition for English industry at present, in consequence of the existence of the Corn-laws. He had inquired of a friend, who complained of competition in Belgium, in what way the people of that country entered injuriously into competition with the British manufacturing interest, and his reply was, that "they were doing a great deal in small nails;" and so it appeared that all that the British manufacturers had to fear there was a competition "in small nails." He certainly was aware that the demand for British manufactures was declining in the Levant; but if any man were to inquire of the mercantile houses of Constantinople and Smyrna the cause of that decline, he would learn that it was in no degree owing to the influence of the Corn-laws. The English manufacturers unfortunately fancied that all they needed to do was to produce a cheap article; and the consequence was, that their cheap article was refused, while an article of a better kind, and displaying more ingenuity in the manufacture, the produce of other countries, was preferred. He did not believe, that the Corn-laws had much effect in raising the price of the manufactured articles of this country. Their influence on wages could not, he was sure, be described by a figure greater than a fraction. In point of fact, it was British capital that enabled the manufacturers of this country to compete, in the article of cotton, for instance, with the people of America, where wages were quite as high as in this country, and with the natives of India, where the rate of wages was the lowest in the world. How, then, had the cry against the agricultural interest been raised? Whose interest was it to have the Corn-laws repealed? It was the interest solely of the manufacturing capitalist, who had contrived to raise a large party in favour of that repeal, by the specious pretext, that it would lead to a reduction of rents, and by obtaining the co-operation of a section in this country, who were hostile to a political system based on the preponderance of the landed interest. He thanked them for the attention they had given him, while he had addressed the few observations which he had felt it his duty to offer to the House on that subject; and he trusted that the House would prove to the country, by the calmness of the present debate, that hon. Members, on both sides of the House, came to the consideration of the question of the repeal of the Corn-laws fully impressed with its deep importance to all classes of the people.

Mr. *Cayley* was understood to say, that twelve years ago there had been a cry raised throughout the country for a repeal of the Corn-laws, but that that cry had now almost ceased. And what was the reason? The people had become more intelligent, and they were not now carried away by the delusions which were then afloat in regard to cheap bread. If they asked the labouring classes now whether they preferred a high or low price of corn, they would answer, that they were better off when the price of corn was high, because a reduction in the price of corn was always followed by a corresponding reduction in the rate of wages. The rate of wages was regulated by the price of corn, and in proportion as the price of corn increased, the rate of wages was advanced. If the Corn-laws were repealed, let the House consider what would be the almost immediate effect. A large quantity of the land of this country would be thrown out of cultivation, and, as the consequence, a large portion of the labourers would be deprived of employment. The rural population would, to a great extent, be deprived of wages, and reduced to the greatest misery. But it was said that a repeal of the Corn-laws would benefit the inhabitants of towns, and prove of the greatest advantage to the manufacturing population. He believed, that such would not be the case, and that the manufacturing population were not so anxious for the repeal of the Corn-laws as was generally supposed. In the evidence given before the Committee which had been appointed to inquire into the condition of the handloom weavers, he found that some of those persons who were examined before that Committee had stated, that they did not complain of the laws regulating the importation of corn, and that they complained more of the protection given by Government to the large capitalists. They did not complain of the protection afforded to the landowners, and they stated, that they were not worse off when the price of corn was high, as they found the rate of wages always kept pace with the price of corn. It had also been argued, that the effect of the Corn-laws was, to cause a diminution in our foreign trade, but that trade had, in fact, been more than doubled within the last few years. He begged to refer hon. Members to the tables of exports, which would show that our trade with Russia, America, and all the other corn countries abroad had been steadily increasing. The exports to America had been doubled in the course of seven years, while the exports to Russia had, during the same period of time, advanced from 1,800,000*l*. to 2,300,000*l*. Those tables also showed, that in those years when we imported most corn, we exported least goods, so that the Corn-laws could not justly be said to be injurious to our trade. But it was argued that it would be better to have a fixed duty instead of the present fluctuating one. In his opinion, however, the present system of Corn-laws was the best, both for the agriculturists and for the public generally; and from every consideration of state policy he thought they ought to be maintained. Much delusion existed on the subject of the Corn-laws, and it was contended, that if they were repealed, a reduction of rents would follow, while the political influence of the landowners would be diminished. Such were the specious arguments put forward; but he believed, that if they polled the whole country on the question of the repeal of the Corn-laws and of free trade, ten to one of the whole population would be in favour of the existing Corn-laws. He was convinced that the present Corn-laws tended to protect industry and enterprise, that they operated beneficially for the interests of the people, and for the interests of trade, and he should oppose, to the utmost of his ability, every attempt made to procure the repeal of them.

Mr. *Mark Philips* was decidedly opposed to the existing system of Corn-laws. Within his own experience the effect of them had been to drive much of the manufacturing capital of the kingdom into foreign countries, where no tax was imposed upon this first and greatest necessary of life. He viewed with great jealousy the Prussian commercial league which had been so frequently referred to in the course of the debate. Whatever the original object of that league might have been, it was certain that it had now assumed a form and a consistency which could be regarded only as most dangerous to the commercial and manufacturing interests of this country. In the manufacturing districts there was but one feeling upon the subject of the Corn-laws, and that feeling was well and forcibly expressed in a petition which he had some time since the honour to present from the Chamber of Commerce and Manufactures at Manchester. He was satisfied that the existing system of Corn-laws could not be of long continuance; therefore speaking in the character of a landowner, as well as in that of a man intimately connected with the manufacturing interests of the country, he begged to recommend the subject to the deepest and most careful consideration of all parties in the House.

Mr. *Gally Knight* observed, that the hon. Member for Wolverhampton had appealed to him and asked him how he could vote against the present motion, recollecting as he must the distress which existed in the town of Nottingham. He did not deny that such distress existed, but did positively deny that that distress arose from the high price of corn. In the first place, the price of corn was not high; and in the next place, the distress at Nottingham arose from over-production, from the frequent improvement of machinery, and from the state of the monetary system in America. As a proof that all the manufacturers of the country were not in favour of the abolition of the Corn-laws he could refer to a pamphlet which had recently been published by a manufacturer of Nottingham who was as much opposed to a repeal of those laws as any Member in the House. In that pamphlet was the following passage:—"I do not wish to see one class of persons raised up at the expense of another, because I am well convinced that the interests of all classes of this country are, or ought to be, identical; and I think the growers of corn are not fairly dealt with by those who raise a clamour for the repeal of the Corn-laws."

Sir *Ronald Ferguson* said, that he knew not who was the author of the pamphlet which the hon. Member had referred to, nor did he care; but this he knew, that he had lately had the honour of presenting a petition unanimously signed by the corporation of Nottingham for the total repeal of the Corn-laws; and he had also presented a petition, signed by 8,000 persons to a similar effect. This country professed to act upon a free-trade system, but how could such a system be maintained unless corn, which was a foreign production, were put upon the same footing as all other articles of commerce?

Mr. *Dunlop* thought, that some of the arguments which had been introduced by hon. Gentlemen in support of a restrictive system were of rather an extraordinary nature. The hon. Member for Maidstone had built a large portion of his speech upon the restrictive duties of the American tariff. That was rather an unfortunate selection, considering that that very tariff had occasioned almost a feeling of hostility to arise between several of the States in North America; and that at this moment there was every reason to expect a total repeal of those duties. The Prussian commercial league had also been urged as a justification of the restrictive system; but that commercial league was a system of free trade comparatively speaking; and he had no doubt that if this country were to join in the Prussian league, and consent to receive their goods free of duty, Prussia, in return, would receive English goods free of impost.

Sir *Robert Bateson* considered it to be a subject in which the people of Ireland were deeply interested, and he was surprised that not a single Irish Member had yet spoken during the debate. The hon. Baronet addressed the House for some little time longer, but the impatience of the Members prevented the hon. Member from being heard.

Mr. *E. B. Roche* (Cork county) was induced to rise in consequence of the charge which had been made against the Irish Members by the hon. Baronet opposite. He should vote for a repeal of the Corn-laws, because he felt that it would be impossible for the Irish nation to start upon equal terms with the English as a manufacturing country until those laws were repealed. A repeal of the Corn-laws would open very extensive foreign markets for British manufactures; but those markets were not at present available, in consequence of the rate of labour being kept up by the restrictive system; but once let them be abolished, and labour would immediately become cheap in England, and still cheaper in Ireland.

Mr. *Villiers* said, that he had very little to answer, for not a single argument had been urged against the grounds which he had advanced in support of his proposition throughout the debate. There had, however, been one remark made to which he felt it necessary to advert. It had been said, that there had not been any petitions of consequence presented to the House upon the subject of the Corn-laws, and that, indeed, a general apathy prevailed throughout the country with respect to this question. Now, he had anticipated that objection, and had stated in his opening speech that he had communications with persons in various parts of the country on this very subject, and it was the general opinion that it would be perfectly idle for them to petition the House of Commons, constituted as it now was, for a repeal of the Corn-laws. The object of his motion was, not the repeal of the Corn-laws, but that the House should resolve itself into a Committee to inquire into the propriety of their repeal. His opinion was decidedly in favour of the repeal of the laws, and he had heard nothing said which induced him to alter his opinion.

The House divided:—Ayes 95; Noes 300: Majority 205.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Bainbridge, E.
Baines, E.
Bannermau, A.
Beamish, F. B.
Bentinck, Lord G.
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Blake, W. J.
Brocklehurst, J.
Brotherton, J.
Busfield, W.
Chalmers, P.
Clay, W.
Collins, W.
Colquhoun, J. C.
Currie, R.
Dalmeny, Lord
Dennistoun, J.
D'Eyncourt, C. T.
Duckworth, S.
Dunlop, J.
Easthope, J.
Ellice, E.
Evans, W.
Fenton, J.
Ferguson, Sir R.
Ferguson, R.
Fielden, J.
Fielden, W.
Fleetwood, P.
Fort, J.
Grey, Sir C. E.
Grey, Sir G.
Grote, G.
Hall, B.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, Sir J.
Hobhouse, T. B.
Horsman, E.
Hume, J.
Humphery, J.
Jervis, S.
Johnson, General
Kinnaird, hon. A. F.
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Marshall, W.
Marsland, H.
Morpeth, Viscount
Murray, hon. J.
O'Connell, M. J.
Ord, W.
Parker, J.
Parnell, Sir H.
Phillips, M.
Philips, G. R.
Phillpotts, J.
Protheroe, E.
Rich, H.
Roche, Edmund B.
Rundle, J.
Russell, Lord
Salwey, Colonel
Scholefield, J.
Sharpe, General
Smith, R. V.
Somerville, Sir W.
Stansfield, W. R. C.
Stuart, Lord James
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thompson, Ald.
Thomson, C. P.
Thornley, T.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A
White, L.
Wilde, Sergeant
Williams, W.
Wood, Sir M.
Wood, G.

TELLERS.

Villiers, C. P.
Molesworth, Sir W.

List of the Noes.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Aglionby, Major
Alford, Viscount
Alsager, Captain
Alston, R.
Arbuthnot, hon. H.
Archbold, R.
Ashley, Lord
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Barrington, Visct.
Barry, G. S.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Berkeley, hon. G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, M J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Buller, Sir J.
Bulwer, E. L.
Burr, H.
Burroughes, H. N.
Byng, G.
Byng, right hon. G. S.
Castlereagh, Visct.
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chaplin, Colonel
Chisholm, A.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W.
Clive, hon. R.
Codrington, C. W.
Cole, hon. A.
Cole, Viscount
Compton, H. C.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Craig, W. G.
Cripps, J.
Curry, W.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C.
Douro, Marquess of
Dowdeswell, W.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, C. W.
Dundas, Captain
East, J. B.
Eaton, R. J.
Ebrington, Viscount
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Eliot, hon. J. E.
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Fergusson, hon. C.
Filmer, Sir E.
Fitzroy, hon. H.
Fitzimon, N.
Fleming, J.
Foley, E.
Forbes, W.
Forester, hon. G.
Fremantle, Sir T.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S.
Goddard, A.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Halford, H.
Halse, J.
Handley, H.
Harcourt, G. G.
Harcourt, C. S.
Hardinge, rt. hon. Sir H.
Hawkes, T.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, E.
Henniker, Lord
Herbert, hon. S.
Herries, J.
Hillsborough, Earl of
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, G. W.
Hope, hon. J.
Hope, H. T.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, P. H.
Howard, R.
Howard, hon. W.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Jephson, C. D. O.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, T.
Kemble, H.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir E.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Liddell, hon. H.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Mactaggart, J.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Moneypenny, T. G.
Mordaunt, Sir J.
Morris, D.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Brien, W. Smith
O'Callaghan, hon. C.
O'Neil, hon. J.
Ossulston, Lord
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parrott, J.
Pease, J.
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Pinney, W.
Planta, rt. hon. J
Plumptre, J.
Polhill, F.
Pollen, Sir J. W.
Poulter, J. S.
Powell, Colonel
Powerscourt, Viscount
Praed, W. M.
Price, Sir R.
Price, R.
Pringle, A.
Pusey, P.
Ramsay, Lord
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord C.
Sanderson, R.
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shaw, right hon. F.
Sheil, R. L.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smith, hon. R.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Staunton, Sir G.

Stewart, J.
Stuart, H.
Stuart, Villiers
Strangways, hon. J.
Sturt, H. C.
Surrey, Earl of
Talbot, C. R. M.
Teignmouth, Lord
Thornhill, G.
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir T.
Turner, E.
Vere, Sir C. B.
Verney, Sir H.
Vivian, J. E.
Welby, G. E.
Wemyss, J. E.
White, H.
White, S.
Whitmore, T. C.
Wilbraham, G.
Williams, R.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Worsley, Lord
Woulfe, Sergeant
Yorke, hon. E. T.
Young, J.

TELLERS.
Chandos, Marquess
Darlington, Earl

PAIRED OFF.

FOR.	AGAINST.
Gillon, W. D.	Wilberforce, W.
Steuart, R.	Baring, H.

HOUSE OF LORDS,

Friday, March 16, 1838.

MINUTES.] Petitions presented. By Viscount LORTON, from a place in Ireland, for assistance to build Glebe Houses.—By the Duke of SUTHERLAND, from the Potteries Mechanics' Institution, in favour of Education; and from Newcastle-under-Lynne.—By Viscount FALKLAND, from Derby, for the abolition of Negro Apprenticeship.—By the Marquess of BUTE, from the Synod of Argyle, to secure the observance of Catholic Oaths.

HOUSE OF COMMONS,

Friday, March 16, 1838.

PERSIA.] Lord *Eliot* wished to ask Viscount Palmerston a question respecting the state of our relations with Persia. He had heard it stated, that we had at present no representative at the court of Persia; that Mr. M'Neill had retired from it in consequence, as he understood, of an expedition having being undertaken on the part of the Schah, contrary to the wishes of the Government of this country, against the independence of Herat; and that our diplomatic relations with Persia had been, for the same reason, altogether broken off. He should feel obliged to the noble Lord to state, if there were any grounds for such a report.

Viscount *Palmerston* trusted, that the report was not only untrue but unfounded. He should not say altogether unfounded, because the circumstances he should detail to the House gave some colour to it. The Schah of Persia commenced an expedition some time ago to a place eastward of Persia, to which he laid certain claims, upon which claims, he would not express any opinion. The English officers in the Persian service did not accompany the Schah on that occasion, except one, who did not act in a military capacity, but as an instructor of a corps of cadets. When the Schah was at Herat, near the frontier, a messenger belonging to the English mission in Persia was despatched by Mr. M'Neill with letters, and was returning to Teheran, when he was stopped by some persons who formed part of the military expedition of the Schah. He was treated with great violence, carried to the Schah's camp, deprived of the letters of which he was the bearer, treated not only with indignity, but personal cruelty, and in spite of the remonstrances of Colonel Stoddart, who went to the Schah and claimed for him that protection to which he was entitled by the law of nations, was still detained, and not allowed until a considerable time had elapsed to resume his journey to Teheran. Mr. M'Neill thought it his duty immediately, and without waiting for instructions from home, to demand full and ample satisfaction and reparation, and he had informed her Majesty's Government, that if that reparation should be denied, he should feel it to be his duty to break off all diplomatic relations with Persia, and according to the circumstances of the case, either to remain there unofficially, or retire altogether with his mission to the Turkish territory. He had two days since received a despatch from Mr. M'Neill, in which he stated, that he had not at that time obtained an answer to the demand he had made for reparation; nor could he, because that despatch was sent off before his messenger who conveyed the demand had returned from the Schah's camp. Probably the Schah, upon consideration, would be sensible of the gross impropriety of the proceeding he had detailed, and satisfaction would not be refused. If it were refused, it certainly would not be consistent with the honour or interests of this country that the steps proposed to be taken by Mr. M'Neill should not be adopted.

EXECUTION AT HERTFORD.] Mr. *Pease* wished to ask the noble Lord, the Secretary for the Home Department, whether he had received a memorial, most numerously and respectably signed by the inhabitants of Hertfordshire, praying for a mitigation of the sentence of death passed upon two men for murder, at the late Hertford assizes, and which had since been carried into execution. This memorial had been prepared under the conviction that those two men had not intended to commit murder. He wished also to know, whether the statement was correct that the learned judge, Mr. Baron Vaughan, who presided at the trial, was dissatisfied with the verdict, and that the jury, since the trial, had declared that they did not think the prisoners intended to commit murder.

Lord *John Russell* could assure the hon. Member, that the information which he had received respecting the judge and jury who tried those prisoners was altogether incorrect. He had received a memorial on the subject most respectably signed, in consequence of which he had asked the learned judge who tried the prisoners to meet him at the Home-office. That learned judge assured him, that he was not only satisfied with the verdict, but that the Chief Justice, who was at Hertford at the time, and whom he consulted on the case, perfectly agreed with him in opinion. The learned judge, of course, mentioned all the circumstances of the case to him, and after fully considering those circumstances, he felt it to be his duty not to recommend the convicts to her Majesty for her merciful consideration.

THE GRAND CAYMANS.] Lord *Stanley* said, he had received a petition from a remote dependency of the British Crown, the very name of which was, perhaps, unknown to a great portion of the Members of that House. In consequence of an informality, he was unable to present it, but he was anxious to avail himself of the presence of the right hon. Gentleman the Under Secretary for the Colonies, to ask him if he could give the House any information on the subject. The petition was from the custos and inhabitants of the island of Grand Caymans, a dependency of the British Crown, about 160 miles leeward of Jamaica. The settlement was a very singular one. It was of exclusively British-born subjects, who, having colonized the island, lived under no law whatever, except one they had framed for themselves, giving some authority to persons appointed to act as magistrates. That was literally the only law or authority that prevailed amongst them. Until the year 1831, when they applied to the Bishop of Jamaica, and never previous, had they the service and assistance of a clergyman of the established church. By their industry and communication with Jamaica they had carried on a considerable traffic, and acquired a good deal of property; their tonnage was not inconsiderable, and they had amongst them about 1,000 slaves. In the 66th clause of the Emancipation Act they were included as a dependency of Jamaica, having slaves, in consequence of their slight connexion with that island, and received a portion of the compensation money under that Act. But inasmuch as they had no laws whatever, it was clear that no registration of their slaves could have taken place, and whereas by the Abolition Act it was enacted that those only who had been registered should become apprentices under the apprenticeship system, and it having been found, but not until 1835, that those persons, although they had received compensation as persons whose slaves were duly registered, had not complied with the law, not from any fault of their own, but simply because they were ignorant of it, their slaves did not fall under the apprenticeship clause, but became immediately free. Since that period the island had suffered severely from a hurricane. Independently of their not having received any more than the compensation paid to those who still retained their slaves as apprentices, and of their not having received any assistance in the way of moral or religious education, which they were extremely anxious about, having since the year 1831, notwithstanding their poverty, built two churches and a house for the minister—they had now to state that one of their churches had been entirely destroyed by that hurricane, that the other, and the minister's residence, had been seriously injured, and that 100 of their houses had been also destroyed. Under these circumstances they came before Parliament and her Majesty, appealing in both cases for compensation and relief. He hoped he had done right in not permitting a mere form to prevent his calling the attention of the House to the subject; having gone so far, however, the motion with which he intended to conclude should come within the strict forms of the House. He should move that there be laid before the House a copy of the memorial on this subject presented to the Colonial-office. His chief object was to obtain a statement on the matter from her Majesty's Government.

Sir *G. Grey* said, that the statement of the noble Lord with respect to the Grand Caymans, was substantially, if not perfectly, correct. The case had been brought under the attention of the Government at the time when the noble Lord was at the head of the Colonial department, by a memorial which had been presented to Lord Mulgrave, then governor of Jamaica, and had been transmitted by that noble Lord to the home Government. Shortly afterwards a change took place in the administration, and Lord Aberdeen, when he succeeded to office, referred the question to the law officers of the Crown, who gave it as their unqualified opinion, that under the circumstances all the slaves in the island were unconditionally free. His noble Friend who succeeded to the Colonial-office, recommended Lord Sligo, who was then governor of Jamaica, to act upon that opinion. This had been done, and the slaves were all liberated, and he was happy to say, that no inconvenience had resulted from the proceeding. The conduct of both the freed slaves and the white population was deserving of all approbation, though no regular system of law had existed in the island. It was thought, that the island was a dependency of Jamaica, and that it should receive a portion of the compensation fund voted to Jamaica, and it was thought, that the case was exactly similar to that of the island of Anguilla. There was, however, an unwillingness on the part of the legislature of Jamaica to have this island annexed, for the purposes of government, to that colony, and he did not think the smaller island had lost by it. The governor of Jamaica had, therefore, sent some magistrates to the Grand Caymans, who acted under the instructions received from the governor, and they found no difficulty in administering the law. With respect to the future government of the settlement, there was some intention of proposing that it should be placed under the rule of the Queen in Council, and this matter was now under consideration. As to a grant of money for the education of the negroes, he could only state, that a sum had been given for that purpose to the secretary for the Propagation of the Gospel in foreign parts, and he believed some steps had been taken for the instruction of the negroes in that settlement. He could only add, that he could not hold out the slightest hope of any addition being made to the compensation granted to the slave-owners of the Grand Caymans in consequence of their loss of the services of the negroes during the period of apprenticeship.

Motion agreed to.

OPENING THE REGISTERS (IRELAND).] Lord *John Russell* said, that before he moved the reading of the Order of the Day, he wished to call the attention of the House to a subject which he thought entitled to their best consideration, and which, therefore, would most suitably be brought forward at a period of the evening, when the House was tolerably full. The Reform Bill having passed in 1832, the House would recollect, that on the 23d of June 1833, a resolution was passed, on the motion of the present Earl Spencer, respecting the striking off the names of voters from the register, which was in the following terms:—

> "That in all cases where a Select Committee, appointed to try the merits of an election for any county, city, or borough, report to the House, that the names of any voters ought not to have been placed in the register of voters, or that the names of any voters have been unduly omitted from such register, Mr. Speaker shall issue his directions thereupon to the clerk of the peace, town clerk, or other officer with whom the register of voters of such county, city, or borough is deposited, to amend such register, by striking out or adding names to such register, as the case may be, in conformity to the report of such Select Committee."

Having maturely considered the subject, however, in consequence of the reports of Select Committees of the House, both on the present and past session, he was induced to think that the House would now deem it proper to amend that resolution, by restricting its operation to Great Britain. He conceived that the resolution was based entirely on the Reform Act of 1832. Now, the Reform Act for England contained a clause expressly providing, that when any Election Committee should report that the names of any voters had been improperly placed on the register of voters, or improperly omitted, the Speaker should cause such register to be amended, by the striking off or insertion of the names in question, and the Scotch Act contained a clause giving similar power, though couched in more ambiguous terms. In the Irish Reform Act, however, there was no provision of the kind; and he conceived, therefore, that the law, as it affected the Irish registry, remained in the same state as before the passing of the Reform Act. The Irish Act being entirely silent on the point, although both the English and Scotch Acts contained express provisions to the effect stated, he conceived it highly improper for the House, by virtue of a mere resolution, to assume a power not given it by Act of Parliament, or to pretend to correct the register, or make regulations as to the future votes of voters in any other way than that laid down by the Act of Parliament. He believed, that, in all former instances where a questionable vote was brought before the House—whether in its collective capacity, as in former times, or in a Select Committee, as in later times—and disallowed, the practice had invariably been to deprive the party of his vote for the election under consideration, but never to interfere with his vote in reference to future elections. Under the resolution of 1833, several cases had occurred in which the Speaker had been called upon to exercise the power given by that resolution; that resolution was somewhat altered in 1835, since which period no occasion had arisen for the Speaker's interference. It having been discovered, however, that the resolution might improperly apply to Ireland, although the Reform Act, in reference to that country, contained no clause authorising such a resolution, it was deemed expedient that the resolution should be altogether rescinded, and that another should be substituted, having application only to Great Britain. He would not further detain the House, but content himself with moving, that the resolution of the 23d of June, 1835, relating to the correction of the register, in pursuance of the report of an Election Committee, be rescinded, and another resolution substituted in lieu thereof, namely:—

> "That in all cases where a Select Committee appointed to try the merits of an election for any county, city, or borough, in Great Britain, report to the House that the name of any person who voted at such election had been improperly inserted or retained in the register of voters, or that the name of any person who tendered his vote at such election, had been improperly omitted from such register, Mr. Speaker shall issue his directions thereupon to the clerk of the peace, town clerk, or other officer with whom the register of voters of such county, city, or borough is deposited, to amend such register, by striking out or adding names to such register, as the case may be, in conformity to the report of such Select Committee."

Sir *E. B. Sugden* said, that he thought the resolution which the noble Lord had just moved, would not have the effect which he supposed, but it would have the effect of operating upon the minds of Election Committees, as to their right of opening the registers in Ireland; it would certainly not decide the question, but it would influence the minds of the Members of Election Committees. It would be absolutely necessary, first to consider whether a Committee might open a register, and if not, the operation of the resolution must be extremely small. He had hitherto avoided looking at the question as to the right of keeping open the register. He did not wish to give an opinion of the law on the case, but it was now forced upon him. His decided opinion was, that this question was forced on the House,—could a Committee open the register or not? He thought that they had that power. He would proceed to state the argument of the question. There were three Acts—one for England, one for Scotland, and one for Ireland. The noble Lord had now found out, after a great lapse of time, that his resolution, though warranted by the English and Scotch Reform Bills, was unauthorised by the terms of the Irish Reform Act. The noble Lord was aware of the exact difference between the three Acts; the difference was so great, that he had the utmost difficulty in believing, that the noble Lord was serious in continuing as to Scotland what was taken away from Ireland. It was admitted on all hands—it was expressly provided, that as to England, a Committee might open and correct the register; why had such a provision been introduced, and what had been its operation? That provision was made because a system of registry was then, for the first time, introduced with regard to England, and it affirmatively gave power to do many things which could have been accomplished, though no such clause or resolution had been inserted in the Reform Act. It was, in many respects, only an affirmation of what the House would have had the power of doing of its own prerogative and control, without any such provision. The Scotch Act assumed a totally different shape. Instead of affirming, as nearly as words could express it, the Scotch Act assumed the power to be in the House, independently of the Act, and declared, that nothing in the Act should limit or take it away. The words of the Act were—

> "Provided always, that no alteration of

the sheriffs' judgments, either by the courts of review above-named, or by any other judges of appeal, shall affect the merits of any election actually completed and carried through before the date of such alteration, except in so far as effect may be given to such alteration by any Committee of the House of Commons of Parliament, to which a petition against such election may be referred: provided also that nothing herein contained shall be held to limit or restrain the powers of such Committee, to take into consideration the validity of any vote or claim for registration, admitted or rejected by the sheriff of the judges of appeal, and to alter the register, poll, or return accordingly."

The Act clearly assumed that the Committee had the power—it did not give any power which the Committee did not before possess. Beyond all doubt or question, it assumed the power to be in the Committee, and in the House, and that it was not necessary to give the power to the Committee. How, then, could the noble Lord reconcile this with his proposal to exclude Ireland, because there was no express provision for directing the registry in the Irish Reform Act, while he did not exclude Scotland, the Scotch Reform Act only saving the pre-existing power, and not granting any new power to that effect? The noble Lord would find much more difficulty than he seemed to imagine in reconciling his resolution with the actual state of the law. The Irish Act was different from the other two. The provisions of none of these Acts were equal to each other; if they were equal in point of law, certainly they were not in expression. The Irish Act particularly provided what should be the operation of the certificate. There was a system of registration in Scotland before the Reform Bill, but it did not affect the right of voting. In Ireland, from 1795 down to the 10th of George 4th, there was also a system of registration which made the certificate conclusive of the right to vote, but did not at all bind that House. There was not one word in any of the acts of Parliament before the Irish Reform Bill which limited the power of that House to regulate its own elections and control, or correct any improper return. The Irish Reform Bill followed the Act of the 10th of George 4th., and expressly enacted, that the certificate should have the same effect as it would have had under the prior acts of Parliament. Under prior acts of Parliament there was not a single clause to restrain or take away the right of that House to look to the registry. The certificate was to be conclusive of the right to vote at the moment of voting, but did nothing to restrain the House. Clause 59, on which great reliance had been placed, was in these words:—"And be it enacted, that if any person at the time of any election, being in the enjoyment of any office disqualifying him from voting at such election, or being otherwise disqualified, or having ceased to be qualified, shall notwithstanding presume to vote at such election, such person shall forfeit to his Majesty a sum of 100*l.*, and shall be liable to all penalties, forfeitures, and provisions to which he would have been subject for such offence by any law in force at the time of committing the same; and in case of a petition to the House of Commons for altering the return, or setting aside the election at which such person shall have voted, his vote shall be struck off by the Committee, with such costs as to them shall seem meet, to be paid by him to the petitioner." The inference drawn from that clause was, that it was impossible to open the register, because, there being no express power given, a person disqualified to vote at the time of the registry might be "struck off" by the Committee. The truth was, this clause had been introduced *alio intuitu,* to impose a fine of 100*l.* on a person for voting who knew of his disqualification at the time, and to give the Committee a power to indemnify the petitioner in costs at the voter's expense. It in no degree took away the power of the House or of the Committee to open the register. The expression used was very remarkable—"his vote shall be struck off by the Committee," leaving it open whether it should be construed off "the poll," or off "the register." There was a contest at the time between those who supported the measure generally, some wishing to have a clause altogether to exclude the right of opening the register, and others requiring one expressly to open it; so that by way of compromise the question was left open; it was not struck out of the bill, it was only stated generally that the Committee should "strike off" the vote. One rule he took to be universal—they could not take away a power if it existed by a proviso of this sort, which was not inconsistent with it; they could not say, because these words provided specially for one case with a view to certain penalties, they should exclude a general power that previously existed. It was very important that this should be clearly understood: if in Ireland a person were once put on the register, there he remained for years unless struck off by a Committee of that House; and even in that case he might vote immediately after on that very qualification which the Committee had declared absolutely void. In England there was no such inconvenience. In Ireland there was this additional inconvenience, that the assistant barrister might put whom he pleased on the poll, nor could he be struck off the register unless the House had power to strike him off. What, then, were the principles on which such a case as this should be decided? He took it that the House had inherently, by its own prerogative, a power to review and control all returns at elections for that House unless absolutely restrained by act of Parliament. It was upwards of two centuries since the House had resolved, that its ancient power and privilege was, to examine into all elections and returns to that House; and that resolution had never been impeached nor rescinded. He submitted, that the power of the House was supreme and without control as judge of the returns of its own Members itself, and alone. Nobody would dispute that. Another rule was, that where any court had a superior jurisdiction, nothing in the shape of an act of Parliament could take it away by giving another jurisdiction, unless it took away the superior jurisdiction. Although another power was introduced, the superior power still remained, unless it was expressly taken away. The case of the Court of Review in Bankruptcy put this point beyond dispute. The power of that House, its unchallenged, ancient, inherent power of jurisdiction, could only be taken away by an express, positive, Parliamentary enactment. Had it then been taken away by any act of Parliament? The acts of union had this provision—"that all questions touching the election of Members to sit on the part of Ireland in the House of Commons of the United Kingdom should be heard and decided in the same manner as questions touching the elections in Great Britain, subject nevertheless to such particular regulations in respect to Ireland as from local circumstances the Parliament of the United Kingdom may deem expedient." The election laws, therefore, as regarded Irish Members in the United Kingdom, were made subject to the English laws, except so far as Parliament should hereafter deem expedient. That provision had never been repealed, and such was the law of the country at this very moment. The Act for which they were indebted to his right hon. Friend near him (Mr. C. Wynn), the 9th George 4th., had this provision—"that on the report of a Select Committee the House shall give the necessary directions for altering the return," and after providing for particular cases, "to carry th esame determination into execution as the case shall require." There could be no doubt or contest, unless the right were taken away by the Irish Reform Act, that the Committee had the power to open the registry. It was perfectly clear in point of law; he entertained not the slightest doubt, that the Committee had the power to open the registry, and then it followed by necessary consequence that the Speaker, in obedience to the directions of the House, should order the registry to be corrected in Ireland. That was an incident to the Act of the Committee. The decision of the Committee being that certain votes were bad, and ought not to have been on the register, they could strike them off the poll, but not off the register without liberty from the House. But the House, to vindicate its own resolution, would direct them to be struck off the register. The 55th clause of the Irish Reform Act was in these words—"And be it enacted, that all laws, statutes, and usages, now in force respecting elections of Members to serve in Parliament for any county, city, town, or borough in Ireland, shall, save so far as they are respectively repealed or altered by this Act, remain, and they are hereby re-enacted and declared to be in full force; and that all elections for any Member or Members to serve in this present Parliament to be hereafter had, shall be held and made as if this Act had not been passed." To that the Irish Reform Act expressly provided that "all the laws, statutes, and usages now in force respecting elections," &c., "should, save so far as they are respectively repealed or altered by this Act, be re-enacted." The provisions of the Grenville Act, the acts of union, all the statutes previously existing, except so far as altered by the Irish Reform Bill, were re-enacted. Where there was nothing in the Irish Reform Bill to alter or repeal those ancient powers and usages, those ancient powers and usages still existed. The Irish Act said, they should exist, unless they were taken away, and the Grenville Act said, the House would give directions to carry them into execution as the case might require. The case required, that the register should be corrected as well as the poll. There was direct authority for this, not merely authority given by implication. The Speaker had the power under the Grenville Act, which he had a right, when the case required it, to exercise. He had called the attention of the House expressly to the provisions of the Grenville Act. He had likewise endeavoured to prove to it that the right of the Committee to open the registry in Ireland was quite clear in point of law. He had looked at the point with all the diligence and with all the impartiality which he could command, and he had come, after due consideration, to the conclusion which he had just stated. Whether the House had now the power by its original and primary prerogative never yet displaced by statute, or whether the House possessed it by virtue of Acts of Parliament, in either case he contended, that the resolution of the noble Lord, so far as Ireland was excluded from its operation, was not according to law. He thought that the present was a very inopportune period for raising this question, because any resolution to which the House might now come would have an effect upon those Committees either now sitting or to be appointed hereafter, before whom it might happen to be agitated. He should, therefore, propose to adjourn the present debate to a distant day, in order that the House might not be thus suddenly called upon to put on the Act of Parliament the construction which the noble Lord had just proposed. If the noble Lord should persist in pressing his resolution upon the House at present, he, for one, should certainly vote against it, and he therefore proposed an adjournment of the debate, as well for other reasons as for the sake of saving the noble Lord the trouble and discomfort of voting against his former opinions. It was under the influence of some new light, which had recently broken in upon him, that the noble Lord entertained his present opinion, which was very different from that which he had embodied into the shape of a resolution in 1835. For the reasons which he had just stated, he should, if the noble Lord persevered in his resolution, take the liberty of moving that the debate be adjourned to this day two months.

The *Attorney-General* was understood to say, that the question before the House was, whether the resolution of the 25th June, 1835, relating to the correction of the register, ought to be rescinded or not. He trusted, that he should be able to convince his learned Friend, the Member for Ripon, notwithstanding the opinion which he had so deliberately formed in favour of that resolution, that it could not stand, as it was unauthorised either by the law or the practice of Parliament. According to that resolution, after a Committee appointed to try the merits of an Irish election had reported to the House that the names of certain voters ought not to have been placed on the register, or that the names of certain voters had been unduly omitted from it, the Speaker was to issue his warrant to the officer with whom the register was deposited, directing him to amend the register by striking out from, or by adding to, that register, as the case might be, the names contained in the report of that Committee. Now, with all deference to Mr. Speaker, he would observe, that the Speaker's warrant containing any such directions was not a whit better than so much waste paper; for the House had no authority whatsoever to direct Mr. Speaker to issue any such warrant. By the Irish Acts relating to registration, after the elector was once put on the register by the assistant barrister, and had obtained from him the certificate entitling him to vote, that certificate was *primâ facie* evidence of his right to vote, and without that certificate, or the affidavit verifying his title regularly signed by the assistant barrister, he could not vote at all. To support the resolution of the House in 1835 was to deprive the elector of a privilege given to him in express words by the Legislature in the Irish Reform Act; and unless the House had that power of deprivation given to it in so many words by an Act of Parliament, it had no such power at all, for undoubtedly it did not possess it at common law. In fact, it was setting aside the law by a resolution of that House. If his right hon. and learned Friend, the Member for Ripon, were right in his argument that this power was given to the House, and through the House to the Speaker, in the case of all elections in England, and that the Irish Reform Act extended that power to all elections in Ireland, there was an end to the question; but these were points too important to be taken for granted, even upon the authority of his right hon. and learned Friend, and his right hon. and learned Friend ought to be prepared to point out to the House the precise words of the Act of Parliament which gave it the power to overrule the whole register, and to cancel the certificates granted by the assistant-barrister. The resolution which his noble Friend near him had proposed, did not at all touch upon the great point involved in the question, whether an Election Committee had a right, under the Irish Reform Act, to open the register. On that question he would not give any opinion at present, for it was not regularly before the House. Though he was inclined to attach due weight to the opinion of his right hon. and learned Friend, the Member for Ripon, whenever he had attended to the arguments on both sides of a question, yet on this particular question he must say, that he could not consider his right hon. and learned Friend's judgment entitled to the same respect as if it had been given in any of the cases which he had decided judicially as Lord Chancellor of Ireland. It was a question which his right hon. and learned Friend might yet have to decide in his capacity of a Member of an Election Committee. It might have been better if his right hon. and learned Friend, before he had come forward voluntarily to give an extra judicial opinion on this *vexata quæstio,* had heard what could be said on the other side. For instance, it might have been better had his right hon. and learned Friend first heard the acute and forcible argument of his learned Friend, Mr. Austin, who had convinced several Committees that they had no right to open the register. He thought that his right hon. Friend ought not to have committed himself by an extra judicial opinion upon the question. It was, as he had already stated, a question that had been so often argued, that it would have been better for his right hon. Friend to have abstained from giving any opinion on a question prematurely, upon which, in a different capacity, he might hereafter be called upon to adjudicate. He repeated, that the question of opening the register had nothing to do with this resolution. He would, however, for the sake of argument, concede that the Election Committees had a clear right to open the register, and to declare any vote on it an undue and unlawful vote. The question then arose whether the Speaker had a right to issue his warrant, directing the officer who kept the register, to alter the register in conformity with the report of the Election Committee. He agreed with his right hon. and learned Friend, the Member for Ripon, that the House, where it was not debarred by Act of Parliament, had a right to determine every thing regarding the election of its own Members; and that, for the purpose of that election, its decision was supreme and final. But,—and here was the difference between his right hon. Friend and himself—it was for the purpose of that election, and of that election only, the House had a right to strike electors off the poll, but it had no right to disfranchise electors *in futuro.* Such a right was never dreamt of till the year 1833; and the resolution of that year was avowedly founded on the Reform Act. The English Reform Act unquestionably gave that power to the House over the English registers; and it was on the authority of the English Reform Act that the resolution of 1833 was afterwards altered by the resolution of 1835. Before the Reform Act was passed, the right of determining elections, was regulated in various ways. Before the Grenville Act became law, the House determined all election-petitions as a body; afterwards it determined them by its Committees; but both before and after that Act, the House reserved to itself the right to determine whether any elector had been injured, either by the decision of the House, or by that of a Committee. But the House never ventured to go further than that. The House never authorised its Speaker to issue his warrant to any town clerk, directing him to exclude any freeman from the list of voters belonging to that city or borough. Such a thing was never done—such a stretch of power was never dreamt of. The elector, whom the Committee struck off the poll, came forward at the next election, and if he was dissatisfied with its decision, claimed, as before, to vote. If the returning officer were satisfied as to the elector's claim, he was bound to take the vote of the elector, who had been rejected by the Committee, for on another election it might happen that another Committee might hold that to be a good vote which a former Committee had held to be on the contrary. Such cases had frequently occurred. Had there not been decisions over and over again, one Committee dedeclaring an individual entitled to vote, whom another Committee had disfranchised? Then again, with regard to freeholders, First, as to the right of freehold. Was it ever supposed that a Committee could decide for more than the election referred to them, whether the freehold claimed was a good freehold—whether it was of sufficient value to confer the franchise—or whether it had been for a sufficient time in the hand of the claimant? A Committee might disfranchise the claimant for one election, but it could not disfranchise him for ever. It was not till the Reform Bill passed in 1832, that any such right was supposed to exist, either in the Committee or in the whole House. The English Reform Act, by its 60th clause, gave to the Election Committee not only the power of deciding upon any particular vote, but also the power of correcting the register, so far as that or any other vote was concerned. That was a particular power given to the House, to be carried into effect by the Speaker's warrant. The law on the point was clear, so far as England was concerned. It was not so clear so far as Scotland was required. But in Ireland there was no law on the point at all. His humble opinion was, that the Scotch Reform Act did give the same power to the Committee as the English Reform Act gave it; for it said, that the Committee might "alter the register." But, then, again, it limited the correction by inserting the words "in so far as concerns the election petitioned against." From the words giving the Committee power to "alter the register," he concluded, that it was the intention of the Legislature that they should exercise over the register the power of correction. But the Irish Reform Bill was entirely silent on this subject; and the noble Lord opposite, the Member for North Lancashire, declared over and over again, in the discussions on the Irish Reform Bill, that he did not intend to introduce into Ireland the English system of registration, but that he wished the Irish system to be adopted just as he found it. Was it ever thought of in that country—was it ever dreamt of here, before the year 1833, that an Election Committee had the power to alter the register in Ireland? Could his right hon. and learned Friend point out a solitary instance in which such alteration or correction had been attempted before the year 1833? The law now was the same as before the Reform Bill. "But," said his right hon. and learned Friend, the Member for Ripon, "I rely upon the Grenville Act." Now, with all deference to his right hon. and learned Friend, he must tell him, that the Grenville Act had no bearing whatever on this question. The Grenville Act gave power to do everything that was necessary to set right the election referred to the consideration of the Committee, but it gave the House power to do nothing more, and no one was justified in saying, that the resolutions of 1833 and 1835 were founded on the Grenville Act, and especially on the Grenville Act alone. The system of Irish registration, he again repeated, was left by the noble Member for North Lancashire as he found it. The certificate in Ireland lasted for eight years. The noble Lord did not alter the time of its duration. Why, then, what became of the suggestion of his noble and learned Friend that no injury was done to the voter by striking him off the register, because, if he had a good vote, and could make it out to the satisfaction of the assistant barrister, he could get registered *de novo*? It might happen that for six months after his name was struck off the register he might remain disfranchised; during that time no opportunity might be afforded him to replace his name on the register, and if in that interval an election took place he would be disqualified from voting. Would his right hon. and learned Friend contend in a country which boasted of its representative Government that that was no injury? Then the question before the House simply resolved itself into this, "Can you, so far as Ireland is concerned, correct the register, and remove a single name from it?" He said, that no power to do this was given to the House by Act of Parliament, and if no such power was given by Act of Parliament, it was quite evident from the recent origin of the registration system that it was not given at common law. The very fact of his right hon. and learned Friend being driven to the necessity of saying, that it was given by the Grenville Act and the Reform Act combined was a clear proof that it was not given at common law. Why, even in England, to say nothing of Ireland, this power did not exist in the House until it was given by the 60th section of the English Reform Act. In point of fact, it was well known that their resolution of 1835, notwithstanding all the terrors which the Speaker's warrant usually inspired, was considered by all lawyers, so far as Ireland was concerned, as nothing better than waste paper. Take the case of the city of Cork for an example. There, an assistant barrister, a gentleman of great eminence and high professional character at the Irish bar, had laughed at the warrant of the Speaker. It was shown to him. "Here is the Speaker's warrant; it directs you to erase from the register so many names." The assistant barrister's reply was immediate. He said, "The House of Commons has no such power as it here arrogates to itself. It cannot of its own inherent authority command me to alter the register. It has not had the power conferred on it by Act of Parliament, and I shall therefore treat the Speaker's warrant as waste paper." He was as good as his word; he did not erase the names.

Mr. *O'Connell:* They were erased by the clerk of the peace, and he restored them.

The *Attorney-General:* That made his argument still stronger. The assistant-barrister for Cork found the names erased by the clerk of the peace, and, acting on his own opinion of the law—which he was well qualified to form—he actually restored them to the registry with the Speaker's warrant under his very eyes. What had the House done to vindicate the authority of that warrant? Nothing—absolutely nothing. And why? Because, upon consideration, the House felt that it had not the power which it claimed, either by common law or by statute law. The power had been clearly conferred on the Committee by the English Reform Act—it had not been so clearly conferred by the Scotch Reform Act—and it had not been conferred at all by the Irish Reform Act. The resolution of 1835 was, therefore, not according to law. He was willing to take his share of the blame of having recommended that resolution: for he thought it much wiser, and much better to amend an error than to persist in it after it was discovered.

Mr. *O'Connell* should not have deemed it necessary to trespass on the attention of the House, after the very convincing speech of her Majesty's Attorney-General on this subject, had he not been anxious to express his opinion that the right hon. and learned Member for Ripon had introduced subjects not at all connected with the question, and improperly introduced them, whilst so many Election Committees were still sitting, which might be swayed by his opinions. There was not the slightest occasion for the right hon. and learned Gentleman to have entered on the question of the right of an Election Committee to open the register in Ireland in discussing this resolution. The right hon. and learned Gentleman had introduced that dissertation, not, he believed, for any improper purpose, but to serve a purpose not floating in his mind when he commenced, but which afterwards entered it in the course of his speech—he meant the purpose of influencing the judgment of those persons who either had been, or might hereafter be, sworn to decide on Irish election petitions. Leaving that topic, however, to the consideration of the House, he would now proceed to inform it of the particulars of the transaction at Cork, to which her Majesty's Attorney-General had briefly alluded. By a decision of the assistant barrister, 700 freemen, who resided at a greater distance than seven miles from the city of Cork, were rejected as electors for that place. They appealed from the decision of the assistant barrister to the judge of assize, who happened to be Mr. Baron Pennefather. That learned judge accepted them all as electors. It was stated to him, that for such electors there was neither any affidavit nor any certificate provided in the Act of Parliament. He said, that he did not mind that, he would frame a form both of affidavit and certificate. The learned judge drew up both. Those electors went to the poll and turned the election. Two gentlemen, who would otherwise have been returned, were rejected. They petitioned against the return, and, on considering their petition, the House of Commons determined, that neither the certificates nor the affidavits were valid, that the votes of these freemen were bad, and that their names ought, therefore, to be struck off the poll. An order of the Speaker was in consequence taken to the clerk of the peace for that district, and, in obedience to it, he struck the names of those voters off the register. On being made acquainted with that circumstance, Mr. Martley, the assistant barrister, then a King's counsel of great eminence, of political opinions agreeing with those of the right hon. and learned Member for Ripon, the brother-in-law to Mr. Blackburne, the Attorney-General to the Administration of that day, and of the Administration which had preceded it, ordered the clerk of the peace to restore to the register the names which he had erased in virtue of the order of that House. They were restored accordingly, and voted to the number of 263 at the last election. His hon. Friend had appealed to the House on this subject, and had accused the assistant barrister of a breach of privilege. He believed that Mr. Martley had acted conscientiously; but if to treat the Speaker's warrant with contempt were a breach of privilege, Mr. Martley had been guilty of a breach of privilege, and ought to have been publicly reprimanded for it by the Speaker. But no such thing had happened, reprimanded he had never been. But let that pass. Had there been any necessity for the right hon. and learned Member for Ripon to enter into an argument on the propriety of opening the Irish registers? Let the House see how little that question had to do with the resolution then before it. In Ireland, there was no roll of registry at all—it was merely imaginary. The elector obtained from the assistant barrister a certificate of his right to vote, and an affidavit verifying his title, attested by the signature of the same officer. If the elector produced either that certificate or that affidavit, nobody could legally prevent him from voting. What good, then, was accomplished by striking his name off the register? Did the order of the Speaker affect either his certificate or his affidavit? He goes to the returning officer with his certificate in his pocket—he reads to him that section of the Act which declares, that the production of his certificate is decisive of his right to vote—and, after he has done that, not even the order of the Speaker can prevent his vote from being taken at the poll. It was not by any direct authority—it could only be by implication—that the right hon. and learned Member for Ripon had arrived at the firm opinion on this subject which he had just expressed, for the rule which the right hon. and learned Gentleman had laid down did nothing for his argument. Even if the voter's certificate was lost, the production of his affidavit would be sufficient to entitle him to vote, and thus again the order of the Speaker, as Mr. Martley had expressed it, was nothing else but mere waste paper. What could be more monstrous than the operation of the resolution of 1835 as it now stood? Votes were tendered at elections which were perfectly good as far as regarded the register, those who tendered them had done every thing required to entitle them to vote, and had paid up all their taxes; but in Ireland taxes were required to be paid which became due after the registration, and the vote might be struck off for non-payment of such taxes. Was it fair to strike off a vote for a subsequent omission of the voter, though at the time of registration every obligation required by law had been discharged? This could not occur in England and Scotland; for there no inquiry was made as to subsequent taxes; but it happened in Ireland. Nine-tenths of the votes struck off in Irish elections were disallowed in cities and towns for alleged non-payment of subsequent taxes. But if an election were declared void, it was very plain that by going and paying their taxes the voters had the clearest right to exercise their franchise, which right would be most preposterously and unjustly taken away if Ireland were included in the resolution. What was the mode of registration in Ireland? Registry was not effected by making a list or poll, but by a judicial determination. In any case a man could not be registered until he proved his right in every respect, and until a judicial decision was passed on it. He was obliged to bring his title deeds, which were liable to be inspected, even to ascertain whether the proper stamps had been used. He was obliged to prove his land, and to satisfy the assistant barrister in every particular. That magistrate heard the entire case, and formed his decision upon it, and his judgment could not be impugned on a mere technical ground, for the words of the Act were express upon the point. What could be more unjust than attempts to open the register? For example, a man was registered five years ago, a Committee proposes now to open the register, and they say to the voter, you have not paid your taxes. Who could show at present that he had paid all his taxes due at a particular period within the last five or six years? Why, nobody could prove it; and if not, all that an opponent had to do would be to get the book of taxes, to prove that the entries were regularly made—a very easy matter if the Committee were favourable—and then to insist that the voter must be disqualified, because he had not paid his taxes. If the registry were opened, could it be proved, that the value of the land had remained the same at all times for the last five years? Could any thing be more monstrous than to permit, by implication, such questions as these to be raised? Could anything be more unjust than to subject the voters of Ireland to the enormous expense they must incur if such proceedings were admissible? With what show of reason could the registry be opened if such consequences were to follow? The right hon. and learned Member for Ripon had talked of the danger of abandoning the power which that House possessed of regulating all matters connected with elections. But would the right hon. Gentleman say, that the House had any power to interfere in any matter which came within the scope of the Grenville Act? The registry, however, was the creature of the Act of Parliament. The conditions under which registration was to be effected were strictly laid down by the Act, and the House had no jurisdiction over it, except in so far as the Act provided. Registry could not take place except through a judicial determination, into the grounds of which the House had no power to inquire, and which power they could not of course delegate to an election Committee. What, then, became of the right hon. Gentleman's case? An election Committee had not the power of striking votes off the register. Then the House, according to the right hon. Gentleman's view of its powers, must, of course, decide. But how? By really investigating every case. They must do that, for they could not strike off all the votes for subsequent non-payment of taxes. Then the House itself would have to discriminate between cases of votes struck off for subsequent non-payment, and those which ought never to have been registered, by reason of prior non-payment of taxes. The House would have to investigate every vote, and thus, in fact, a jurisdiction would be restored to it of which it had happily been long deprived altogether. He repeated, that on no principle of expediency, consistency, or justice, could the policy of opening the register be defended; there was no end to the embarrassment and confusion it occasioned. Suppose a Committee to strike off a number of votes; if they were wrong in taking them off, *cadit questio*, the votes must be returned; but, supposing them right, they were bound to see from the statute-book what authority there was for striking the votes off the register. He defied them to show any; in fact, to speak of the register in Ireland was a mere abuse of the term. In England the register was a list from which the electors voted; there no man could vote from a certificate or an affidavit; his name was on the roll, and he identified himself on oath. But the Irish registry was in no way analogous to that. In England no question was raised, unless from an objection made to the validity of the claim: in Ireland, registry arose out of a judicial determination, with which the House could not interfere. The House had no power to interfere with a certificate or affidavit; and that being so, their order was quite futile. He defied any man to show, that according to the law of Ireland there was anything that could be called registry but the certificate and affidavit. The order of the House had been set at nought already, and the proposed correction of the resolution was necessary, in order to abolish a rule, absurd and useless as regarded Ireland, and which could not be extended to that country.

Mr. *Williams Wynn* could not help wondering, that the hon. and learned Member should in no respect have addressed himself to the proposition made by his right hon. Friend, that of suspending a decision upon this question. He was quite willing to admit, that this subject was embarrassed by many difficulties, and he felt, that they could only be satisfactorily disposed of by a declaratory Act. That, he thought, was the safest method of settling cases of this kind. Many points were not provided for by law, and were left to be decided by resolutions of the House. In numerous instances, however, the inconvenience of that course had been experienced, and it had been found necessary to legislate afresh on doubtful matters, as the resolutions of the House could not be equally binding with Acts of Parliament. He confessed he would much prefer, that the resolution of 1835 be suspended, and that they should abstain at present from pronouncing any decision as to the question which had been raised upon it. On the best consideration he could give the matter, he concurred with his right hon. and learned Friend in thinking, that the House possessed an inherent right to regulate elections, which could only be limited by an Act of Parliament, and that where no Act existed to restrain this jurisdiction, it could not be taken away by implication. He hoped the noble Lord would postpone his resolutions till the cases of controverted elections at present before the House were finished, with the view of then deciding the points in question by an Act of Parliament.

Lord *J. Russell* would, with great willingness, declare his own opinion, and then the right hon. Gentleman might explain to the House in what way he thought the difficulty connected with the proposition he had made could be solved. As regarded the observations of the right hon. and learned Member for Ripon, he did not think the right hon. Member had answered the argument he had stated at the commencement, that, before the Reform Act of 1832, it was not the practice for the House to order any votes to be struck off the register in Ireland, although there was what was called a register in that country. The Act of 1832 did not affect Ireland in the least, so far as the power of that House was concerned, so that if there ought to have been, as the right hon. Gentleman contended, an exercise of power by the House, it should have been put forth in 1832; and as it had not then been called into action, he did not think it necessary that it should be employed at present. The resolution stood now upon the journals of the House; it was originally adopted in 1833, in pursuance of the words of the original Reform Act, and modified in 1835, and in that Act no limitation was made with regard to Scotland and Ireland. The right hon. and learned Gentleman had proposed, that the question should be postponed for two months. It did seem to him, that there would be great difficulty in adopting that course, because the case, if once brought under the consideration of the House, was very clear, and he thought, that the resolutions having been proposed by him, and the debate on them postponed, the right hon. Gentleman in the Chair would feel greatly embarrassed in acting on the existing resolution. The right hon. Gentleman, the Member for Montgomeryshire, had proposed another course — that the resolution should be suspended, and not acted upon. If he could suppose, that the course he had taken could have any effect on the proceedings of the election Committees now sitting, he would gladly embrace the proposal; but it was not his wish, that it should have any effect beyond that of preventing them from being misled by complying with a resolution not in accordance with the law. But there was this difficulty. The resolution as it stood affected England and Scotland, as well as Ireland. Now, with respect to Scotland there was a considerable degree of doubt. His hon. and learned Friend near him thought the law gave the power of correcting the registry of that country. He only quoted his hon. Friends opinion; he would not himself, as one unlearned in the law, enter into the question. But with respect to England no doubt whatever could exist. The clause was very definite in conferring power on the House to make any order on the subject, and he felt himself restricted from suspending the resolution for two months, because if report were made from any Committee sitting to try an election for a place in England or Wales, affecting a number of votes, the Speaker would be precluded from the steps pointed out as necessary in such cases. It would be incumbent on the right hon. Gentleman to refrain from exercising the right of correcting the register, of striking out or inserting names, and if a new election should take place it would be influenced by the omission of the Speaker to do that which the Act of Parliament directed. He had stated the difficulty which occurred to him, and if the right hon. Gentleman could obviate it, he did not wish to press any resolution which could be considered as interfering with the present election Committees.

Mr. *C. Wynn* suggested, that the resolution of 1835 should be suspended, as far as regarded Ireland and Scotland.

Original resolution and amendment withdrawn, and Mr. Wynn's suggestion to suspend the resolution of 1835, so far as regarded Ireland and Scotland, was adopted.

POOR LAW (IRELAND).] The House in Committee on the Poor-law (Ireland) Bill.

On Clause 67—Rate to be paid by the occupier,

Mr. *O'Connell* said, this was the most important clause in the Bill, and the most likely, if carried into effect, to make the operation of the Bill unpopular. He had no objection, if this Bill must pass, that property should be taxed; if the poor were to be supported by a tax, let them be supported out of the property of the country, but let not the Legislature come on the poverty of the country to effect this object. There were numerous classes in Ireland occupying at rents exceeding the value of the property, and therefore holding at a pecuniary loss, and yet the clause went to charge a person in this situation with the whole rate in the first instance, and with one-half of it ultimately, and without any retribution. He had had the assistance on this clause of persons of remarkable arithmetical skill, and they declared that this part of the Act was unintelligible; for the clause charged occupiers in the first instance, and then they were to make a scale of contribution on all the different rents between the occupier and the holder of the fee. But this was proceeding upon a supposition not at all consistent with the state of things in Ireland; it was impossible calculations of this kind could be made out in hundreds of complicated cases, where numerous middlemen stood between the occupier and the holder of the fee, as, for instance, on Lord Egremont's estates, where the rent was paid by five or six individuals, each of whom paid a rent different from others. He moved, therefore, that the clause be postponed till a future day, when he would propose, in lieu of it, to enact that in every case where rent is paid for land, a tax shall be laid on the rent; and that in every place calculation of the value of the occupier's property be made, and that it be taxed accordingly.

Mr. *Lucas* quite agreed with the hon. and learned Member for Dublin, that in a variety of cases the working of this clause would be found to be surrounded with difficulties. The first was, that the occupier, who was generally a person very little above a state of destitution himself, was to be called on to advance the amount of this rate for his landlord. English Gentlemen ought not to suppose that they had to do with rich substantial farmers to whom a trifling outlay was a matter of no consequence. The poor Irish farmers had no cash in bank—and such was the poverty of that class in general, that even their charity was given in kind — and, therefore, even the smallest sum was of the greatest possible consequence to them. He would first advert to the case of the occupier, who according to the Bill was to pay no part of the rate, and yet, nevertheless, the clause then under consideration made him a banker for his landlord, and he would be forced to advance the amount of a rate, of which, eventually, he was to bear no share. This he considered a very great hardship on the occupier. But even where one-half of the rate was to be paid by the occupier, he would be subject to great hardships, also, inasmuch as if the county cess collector was also to collect the poor-rate, the occupier had to pay the rate long before the period he was usually called on to pay his rent. The hon. Member concluded by stating his intention of moving a proviso to remove the payment from the occupier.

Colonel *Conolly* agreed with what had fallen from the hon. Member for Dublin, and considered that the demand ought to be made on the person who was finally liable to the rate. The House by this clause were reversing the principle adopted with respect to tithes, and which was found to work so beneficially for the peace of the country. He agreed with his hon. Friend the Member for Monaghan, that it would be peculiarly hard to call upon the occupier to advance the amount of this rate, when he was excused by the operation of the Bill from contributing anything himself. He thought entering into collisions with the pauperism of the country was one of the causes of all the scenes that had unfortunately taken place in Ireland, and he implored the noble Lord, the Secretary for Ireland, to weigh well the recommendations thrown out by the hon. and learned Member for Dublin, and his hon. Friend, the Member for Monaghan, and not throw the burthen of this rate upon those who have not the means at command to meet it.

Mr. *Redington* said, that what was wanted in Ireland was the introduction of capital, and he therefore, thought it most unwise to tax the occupier of the soil.

Mr. *Litton* agreed with the hon. Member that it was a great hardship to make the occupier pay the rate, but in his judgment he saw no other way of making a Poor-law available in Ireland. The difficulty of collecting the rate would be increased tenfold if they were to look to parties whose titles were unknown. If the rents were to be rated, what was the collector to do? There was no power known to the law which could point out to the collector who should be looked to, whereas that could not be the case if the occupier were the person to pay the rate. On the whole he thought it utterly impossible to collect the rate at all, unless it were paid by the occupier.

Mr. *Jephson* suggested the propriety of giving the Commissioners the power of making the rate collectable at the time the occupier really owed the money to a third party.

Mr. *S. O'Brien* said, the Bill proposed to tax two parties, the landlord and the occupier; and he thought it would be most injurious not to give the occupier a direct interest in the suppression of pauperism. If the landlord were alone to pay the rate, the landlord alone ought to administer the law; and he doubted whether in many districts the law could be brought into operation at all if the occupiers were excluded from the constituency. Now, with regard to the portion of the rate to be paid by the occupier, he considered one-half too much, and it was his intention to move that the landlord be compelled to pay two-thirds of the rate. He should divide the House upon it.

Mr. *Shaw* would willingly save the occupier from any unreasonable liability or vexation; but it would be impracticable to collect the rate unless the occupier were in the first instance made liable; and, after all, it would be but paying so much rent on the part of the occupier to be afterwards stopped from the landlord in the proportion that he was eventually liable; and it was desirable that the occupier, as well as the landlord, should be interested in keeping down the rate.

Mr. Sergeant *Woulfe* objected to the withdrawal of the clause. It would be attended with extreme difficulty to collect the share of the rate from each individual interest, and he therefore thought it better to collect it from the occupier. He did not consider that any practical inconvenience would arise from the clause, and those who took a different view he thought were rather too romantic.

Mr. *O'Connell* again contended, that the provisions of this Bill would aggravate the evils which existed in Ireland. There was, he said, a great deal of false humanity in the Bill. If the most vicious ingenuity were set to work to devise a measure which more than another would tend to promote agrarian disturbances, it could not invent a more fit means for such an end than most of the provisions of this Bill. He was of opinion that compulsory charity would do no good; but if they were to have such—if they were to have a Poor-law for Ireland, let the burden fall on the absentee landlord, on the owner of the fee and the rent, and not on the occupier. The entire profit of the land went, in some cases, to the landlord, and was it not fair that he should pay the rate, which ought to be a rate on property? Coming upon the occupier would be but renewing those scenes of agrarian outrages, the existence of which all deplored. The House was sowing the whirlwind, and would reap the storm. His objection to the clause was so strong, that he would take the sense of the Committee on the amendment for postponing it for future consideration.

Mr. *Lynch* contended, that the Bill would relieve the occupier, as one-half of the rate would be paid by the landlord. His hon. and learned Friend, the Member for Dublin, said, tax the landlords; so they were doing by this Bill. He knew that many absentees were amongst the best landlords of Ireland. He did not mean to deny, that absenteeism was an evil, but when his hon. and learned Friend talked of taxing absentees, where was he to find them? And if a portion of the rate was fixed as their share, and that it could not be collected, the arrear or deficiency of the one year would come on the occupier in the next. But the occupier would be relieved from this by the Bill, which would allow him to pay half, and if he paid the other half for his landlord, he would be allowed to deduct it from his rent. Every man would thus be allowed to contribute according to his rent. On these grounds he would support the clause.

Mr. *P. Scrope* hoped the sinister forebodings of the hon. Member for Dublin would not be realised; and if the Bill should pass, that the hon. and learned Member for Dublin would neither by his letters nor speeches incite the occupiers to resist the Bill.

Mr. *O'Connell* repudiated with scorn the insinuation which had been just thrown out against him. Had he wished to agitate on this subject he would have advocated a universal right to relief. He had, however, taken the unpopular side, and was opposed to any Poor-law. There was a great deal of apparent humanity in the observations of the hon. Member who last spoke, but he (Mr. O'Connell) could not forget that in one of the hon. Gentleman's pamphlets he stated his principal reason for advocating a Poor-law for Ireland was, that it would relieve the English labourer from the inroads of the Irish pauper.

Colonel *Conolly* did not see any difficulty at getting at the landlords. After all he had heard he was still of opinion that the occupier ought not to be made pay the rate.

Mr. *D. Roche* thought, if the clause remained in its present shape it would require all her Majesty's troops to levy the rate.

Mr. *W. Roche* said, he meant to vote for the postponement of the clause. If the cess were to be levied from the occupiers, the scenes of the old tithe campaigns would be renewed.

Viscount *Morpeth* said, he could not consent to the postponement of the clause. It would be extremely difficult for the guardians to ascertain who the real owners of the land were, and it was, therefore, necessary to make the land itself subject to the rate. Payment and control ought to go together, and it would scarcely be contended that if the landlords were alone to pay, the occupiers should have any share in the working of the Bill.

Colonel *Conolly* asked the noble Lord, whether he would exclude the occupiers under 5*l.* There might be some show of justice in making those who had anything to deduct advance the rate; but none in making those who were to contribute no share of the rate.

Mr. *O'Connell* again implored the noble Lord to postpone the clause. If it remained in force, the police and the army would be again brought into collision with the peasantry.

Mr. *V. Stuart* said, he never heard any person in his county object to the payment of a rate. The occupiers, however, thought one-half too much; but none of them objected to being made liable for some portion of it.

Sir *Edmund Hayes* hoped her Majesty's Government would not consent to postpone the clause. He could not concur in the view taken by his hon. Colleague (Colonel Conolly) with respect to this clause. He thought it would be better to reject the bill altogether, than adopt the suggestions thrown out by many hon. Members. After the matter had been so fully discussed, he did not feel justifiable in again going over the same ground. He should, therefore, content himself with declaring his intention to vote against the postponement of the clause.

The Committee divided on Mr. O'Connell's amendment that the clause be postponed: Ayes 28; Noes 71: Majority 43.

List of the AYES.

Archbold, R.
Bateson, Sir R.
Beamish, F. B.
Blake, M. J.
Bridgeman, H.
Bryan, G.
Castlereagh, Viscount
Ferguson, Sir R. A.
Fitzgibbon, hon. Col.
Fitzsimon, N.
Hindley, C.
Jones, T.
Lucas, E.
Maher, J.
Nagle, Sir R.
O'Brien, C.
Redington, T. N.
Roche, E. B.
Roche, W.
Roche, D.
Style, Sir C.
Wakley, T.
White, L.

TELLERS.

O'Connell, D.
Conolly, Colonel

List of the NOES.

Acheson, Viscount
Adam, Admiral
Ainsworth, P.
Bannerman, A.
Baring, F. T.
Barron, H. W.
Barry, G. S.
Blackstone, W. S.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Callaghan, D.
Chalmers, P.
Clements, Viscount
Cole, hon. A. H.
Colquhoun, Sir J.
Corry, hon. H.
Courtenay, P.
Douglas, Sir C. E.
Fitzalan, Lord
Fleetwood, P. H.
French, F.
Grattan, J.
Grey, Sir G.
Grote, G.
Hawes, B.
Hawkes, T.
Hayes, Sir E.
Hobhouse, rt. hon. Sir J.
Hodgson, R.
Howard, R.
Howick, Viscount
Hume, J.
Humphery, J.
Hurt, F.
Hutton, R.
Jephson, C. D. O.
Kirk, P.
Lefevre, C. S.
Litton, E.
Lockhart, A. M.
Macleod, R.
Mildmay, P. St. J.
Moneypenny, T. G.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Neil, hon. J. B. R.
Parker, J.
Parnell, rt. hon. Sir H.
Rice, E. R.
Round, C. G.
Russell, Lord J.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Smith, R. V.
Stanley, E. J.
Steuart, R.
Stuart, V.
Thomson, rt. hon. C. P.
Westenra, hon. H. R.
Williams, W.
Williams, W. A.
Winnington, T. E.
Wood, G. W.
Woulfe, Sergeant
Wyse, T.
Yates, J. A.

TELLERS.

Dalmeny, Lord
Lynch, A. H.

Clause agreed to.

On Clause 69—Proportion of rate to be deducted from rent where not less than annual value,

Mr. *Shaw* said, the principle of that clause could not be acted upon if the tithe-owner were separately rated—for first, under the 60th Clause, tithe composition was to be deducted in estimating the net annual value of the lands; and then, under the 69th Clause, the landlord was to pay a poundage upon his whole rent, which, in every lease made since 1832, must also include the tithe composition. That would entirely change the proportions between landlord and tenant, and defeat the scale proposed by the bill. The simple and the just course would be, to put the tithe-owner upon the same footing with the landlord—making the occupier pay, in the first instance, for the whole rate, and then letting him or the landlord, as the case might be, stop the tithe-owner's proportion in the payment of the tithe composition.

Mr. *Jephson* said, that, in a case when a rent of 1,000*l.* was paid, with a tithe composition of 200*l.*, the rateage was charged only upon 800*l.*, which at 1*s.* the pound would be 40*l.*; 20*l.* of this ought to be paid by the tenant, and the other 20*l.* by the landlord; but as the clause stood now, 25*l.* would be paid by the latter, and 15*l.* by the former.

Mr. Sergeant *Woulfe* thought, the case

mentioned by the hon. Member, must be a very rare case indeed, and for one instance of the kind there were a thousand against it. He did not think that in any place the tithe composition amounted to so much as 4*s.* in the pound. Every other way had been tried to effect an equal payment by both landlord and tenant, but that proposed in the present clause was the only one that would be at all likely to effect that.

Lord *J. Russell* said, that feeling the force of the arguments which had been brought forward against the clause, as it at present stood, he would not resist the proposed alteration. He would, therefore, propose that the clause should be so framed as to make one-half of the rate payable by the landowner and the tithe proprietor, and the other half by the occupier of the land.

Mr. *O'Brien* said, he was not going to propose that the occupying tenant be relieved entirely from the payment of the rate. But he hoped all Members who took that view of the case, would join with him in proposing that the occupying tenant should only pay one-third instead of one-half the rate. He should move an amendment to that effect, and take the sense of the Committee upon it.

Mr. *Lucas* hoped the Government would adhere to the provisions in the clause as it stood. It was a very difficult question to discuss, or to come to any accurate conclusion, as to the exact proportion of profit each tenant and landlord derived. He thought the Government had done wisely in setting down the proportion at one-half; and that it would only lead to perpetual contest between tenant and landlord, if the tenants' proportion were further reduced.

Mr. *O'Connell* believed if there were any chance of the Bill working, it would be in levying as little a burden as possible on the occupying tenant, and he thought the proposal that the landlord should pay two-thirds instead of one-half a reasonable one.

Mr. *Wyse* saw no reason why one-third should be the tenants' proportion of the rate instead of one-half; and if that principle was admitted into the poor-law, why should it not be extended to the county cess?

Mr. *Shaw* said, that it was not true that the whole burden of the poor rate must eventually be borne by the land, and that the real interest of landlord and tenant was identical; one class could not be permanently oppressed, and the other prosper; and those were not the true friends of the occupiers of the soil who would desire to set them against their landlords; but considering the just alarm that already pervaded the landed proprietors of Ireland, with regard to the possible consequences of the measure; also, that the Government had announced their plan to be, that during existing leases the rate should be divided, in cases where the rent exceeded 5*l.*, between the landlord and the tenant —and how important it was, at the outset of the great experiment that was being made, that all the occupiers should have an interest in keeping down the rate, he urged upon the Government the propriety of abiding by the proportion they had themselves selected.

Mr. *Poulett Thomson* said, they were all agreed, that the whole charge would ultimately fall upon the land, but he thought that it would be better that the tenants should, by the payment of a portion of the rate, have an interest in the management of the funds provided for the support of the poor. If the whole charge were fixed on the owners, the occupiers would be entirely excluded from all control over the rates, and the whole management would be vested in the owners of land, and he did not think such an arrangement would be wise. He believed that there would be no objection on the part of the Government to adopt either two-thirds or one-half of the rate as the proportion to be paid by the landowners, whichever the House might think most proper.

Mr. *Lucas* said, the landlords of Ireland were now cheerfully taking upon them their share of a burden which had never been imposed on them, and he did not think it fair that they should pay more than one-half of that burden. In England the tenant paid every farthing of the poor rates.

Mr. *O'Connell* said, the defect in the argument of those who contended for the present proportion of half and half was, that under the clause as it stood, the landlord would not pay, in fact, one half the rate, while the tenant, under all circumstances, would pay his half — for the moment the tenant raised one shilling profit over and above the rent, he was to be rated for that additional profit as for the rent. It drove him to despair (as to the working of this Bill) to find the proposition of the Government to reduce the tenant's quota of the rate to one-third from one-half, rejected. It was a universal principle in political economy, that where the supply was less than the demand of the article, the price became unnatural, and land was subject to that rule along with other articles. Now, in Ireland the demand for land was greater than the supply, therefore the price was not natural.

Mr. Sergeant *Woulfe* remarked, that it was but fair if a tenant derived from any property he occupied the interest of a proprietor to a certain extent, he should, to that extent be liable to be rated as a landlord.

Lord *Clements* complained that the Irish landlords in the House were placed, by the conduct of the Government in respect to this subject, in a very disagreeable position—that of being called upon to say, whether they would pay one-half or two-thirds of the rate, which was a question, of all others, the Irish landlords were unfit to decide, and which ought to be left to the decision of the English Members, who would be, at least, impartial judges.

Viscount *Morpeth* said, the noble Lord ought to have directed his censure to the hon. Member for Limerick (Mr. O'Brien), who, himself a landlord, brought forward the proposition for reducing the tenant's proportion of the rate from one-half to one-third. After what had passed, the Government would adhere to the clause as it stood. He hoped the hon. Member for Limerick would not divide the Committee.

The Committee divided on the amendment:—Ayes 31; Noes 46: Majority 15.

List of the Ayes.

Archbold, R.
Barron, H. W.
Beamish, F. B.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Callaghan, D.
Courtenay, P.
Ferguson, Sir R. A.
Finch, F.
Fitzgibbon, hon. Col.
Fitzsimon, N.
Howard, F. J.
Kinnaird, hon. A. F.
Maher, J.
O'Brien, C.
O'Connell, M. J.
Packe, C. W.
Redington, T. N.
Roche, W.
Roche, D.
Stuart, H.
Stuart, V.
Style, Sir C.
Vigors, N. A.
Westenra, hon. H. R.
White, L.

TELLERS.
O'Connell, D.
O'Brien, W. S.

List of the Noes.

Acheson, Viscount
Acland, Sir T. D.
Acland, T. D.
Baring, F. T.
Barrington, Viscount
Barry, G. S.
Campbell, Sir J.
Castlereagh, Visct.
Conolly, E.
Corry, hon. H.
Curry, W.
Damer, Hon. D.
Douglas, Sir C. E.
Fitzalan, Lord
French, F.
Grattan, I.
Hayes, Sir E.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Howard, R.
Howick, Viscount
Hurt, F.
Hutton, R.
Jephson, C. D. O.
Jones, T.
Litton, E.
Lockhart, A. M.
Lucas, E.
Macleod, R.
Morpeth, Viscount
Murray, rt. hon. J. A.
Nicholl, J.
O'Neill, hon. J. B. R.
Palmer, C. F.
Perceval, Colonel
Plumptre, J. P.
Rice, right hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Shaw, right hon. F.
Sinclair, Sir G.
Stanley, E. J.
Thomson, rt. hn. C. P.
Thornley, T.
Verney, Sir H.
Williams, W. A.
Woulfe, Sergeant
Wyse, T.

TELLERS.
Lynch, A. H.
Parker, J.

The House resumed, the Committee to sit again.

* * *

HOUSE OF LORDS,

Monday, March 19, 1838.

Minutes.] Bills. Read a first time:—Dissenters Declaration; Immediate Abolition of Slavery.—Read a third time:—See of Sodor and Man.

Petitions presented. By the Earl of Radnor, from Medical Men of Leeds, that no uneducated persons might be permitted to practise Medicine.—By the Earl of Stradbroke, from Halsted, for an Equalisation of the Postage Duties.—By Viscount Melbourne, from the Guardians of a parish in Surrey, and another in Kent, and by the Earl of Devon, from Okehampton, in favour of the New Poor-law.—By Lord Wharncliffe, from a place in Yorkshire, complaining of the hours at which children work in Factories.—By the Earl of Rosebery, from a parish in Scotland, by the Marquess of Sligo, from Wesleyan Methodists of Glasgow, and from Macclesfield, by Lord Wharncliffe, from a place in Yorkshire, by the Duke of Cleveland, from Wesleyan Methodists and Dissenters of Barnard Castle (Durham), and from a place in Derbyshire, by Lord Bexley, and by the Earl of Burlington, from a place in Yorkshire, and by Lord Brougham, above eighty petitions from various places, for the immediate abolition of Negro Apprenticeship; and by Lord Brougham, from Electors of Norwich, for the Ballot; from the Operatives, and the parents of children engaged in the Woolen Manufacture at Calverley-cum-Farley, at Shepley, and other places in the West Riding of York, for a limitation of the hours of Children's Labour; from the inhabitants of Musselburgh, from the inhabitants of Kinross, from the United Secession Congregation of the Eglington-street Chapel, Glasgow, from the United Secession Church in Rose-street, Edinburgh, from a village in Fifeshire, and from other places, against additional Grants to the Scotch Church; and from the Faculty of Advocates (Scotland), against Bills for reforming the law of Scotland.

New Poor-law—Sevenoaks Union.] Earl *Stanhope* rose to present a petition from the inhabitants of Broomside, near Durham, praying for the total repeal of the Poor-law Amendment Act. Their

Lordships would, probably, recollect, that, some days ago, when a discussion arose on the presentation of a petition by a right rev. Prelate, whom he did not now see in his place (the Bishop of Exeter), he (Earl Stanhope) had made a statement to the House with respect to certain grievances which existed in the union of Sevenoaks. Since that time he had received a letter from the clerk of the guardians of that union; and as it was just and reasonable that the same publicity should be given to the counter-statement of the guardians which had been given to his original declaration, he would, with the permission of the House, read the letter to their Lordships. It was in the following terms:—

"It having been reported to the board of guardians of the union of Sevenoaks that your Lordship has made the following statement in the House of Lords—that one of the most intelligent, respectable, and humane guardians of the union was so disgusted, and viewed with such detestation and abhorrence the conduct of the other guardians, that he refused any longer to act; and that he could mention the case of a family which, from a refusal of any relief in addition to their very scanty earnings, were now perishing by disease, produced, as an eminent physician had informed him, from cold and hunger. I am directed by the board of guardians to acquaint your Lordship, that, after a careful inquiry, they have not been able to find the case of any guardian who refused to perform his duty on the grounds stated by your Lordship. The only two cases of the refusal of relief to which your Lordship could have alluded, have been fully investigated by the medical officers of the union, and the charge proves to be without foundation. Under these circumstances, therefore, the board of guardians must repel the charge, and they feel bound to state, that it is the first which has ever been brought against them."

Now, there was no man more willing than he was to correct any error into which he might have fallen unintentionally, or more disposed to confess that any mistake or misrepresentation had been made, if such were proved to be the case, and by that means to remove, as far as possible, any improper impression which might have been created; but, in the present instance, he felt himself compelled, out of a regard for truth, to re-assert in the strongest manner that which he had before stated. All that he had read to their Lordships, in laying before them the letter of the guardians, was nothing more than a most lame and impotent, futile and ineffectual attempt to reply. He was not in the habit, in public or in private, of making any statement on vague report. The guardians could find no record of any one guardian having declined to act. Did they expect to find it registered in their records, that A. B. refused to perform the duties of his office as guardian? All that they could practically record on the subject was, that any individual had declined to be put in nomination as a guardian, or that, being elected, he had refused to act. Now, he made his statement on the best possible authority—on the evidence of a person himself who was a guardian, and who stated that he could not act with persons by whom a system of so much cruelty and oppression had been pursued. ["*Name, name.*"] He was surprised to hear that he was called upon to name the individual he had referred to. He would not name any person to whom he might refer, without having first obtained his consent. What he had stated was upon his own authority, and he pledged himself to the truth of what he had said. He had resided uninterruptedly in the neighbourhood of the union ever since the board had been formed, and he could not be ignorant of its proceedings. He had received much information from various quarters, and he had been informed of many circumstances by one of the former guardians, who, however, did not think it right to disclose all the secrets of the prison-house. He was informed that a pauper who had applied for relief and was refused, in the agony of grief which he felt, expressed a wish, that Providence might remove him from this world, and almost, indeed, expressed a determination to commit suicide. It was but fair and just that, in reference to this case, the inhabitants of Sevenoaks should receive the due amount of praise to which they were entitled. The unfortunate individual to whom he had alluded, although refused assistance from the public funds of the union, was relieved by the private charity of individuals. With respect to the other charge which he had made, the guardians stated, that it had been fully investigated. By whom had this investigation been made? By the medical officer of the parish. He re-asserted what he had before said in reference to this case. He had received his information from a most eminent physician, who had retired from practice, and who gave advice to the poor gratuitously, and who had an estate in Ireland, and the gentleman declared, that, even in that land of misery and wretchedness, he had never seen greater poverty and destitution than in the cottage of the individual to whom he had referred. The pauper and his family, from the action of cold and hunger, had become diseased, and it was expected that some member of his family might perish. He was in work, but all he could earn was 6*s.* per week, and although he had a wife and five children he could obtain no relief. The conduct of the guardians, he was ready to admit, might have been in accordance with the law, and with the rules, orders, and regulations issued under the authority of the law by the three gentlemen in Somerset-House, and the complaint which he made was, therefore, not so much against the guardians as against the Commissioners. He had thought it right, and fair, and just, to that much calumniated body of men, the guardians, to state to the House the answer which they had made, and he should be happy if any noble Lord, who might be acquainted with the union, would offer any observations to the House.

The Earl of *Brecknock* rose to defend the conduct of the Board of Guardians of Sevenoaks. After the observations of the noble Earl, on a former evening, he had requested to be furnished with some additional information, which would afford him some clue by which he might discover the individuals referred to, and having since made some inquiries into the matter, he thought it fair to state their result to their Lordships. He found a gentleman who told him that he had informed the noble Earl of the two cases to which he had referred, and he had since had an opportunity of finding the guardian himself who was represented to have refused to act. [Earl *Stanhope:* Who was it?] When he had asked the noble Earl the name of the guardian, on a former occasion, he said he could easily discover him. The individual to whom he referred had admitted that he had declined to act as guardian, but from a far different motive to that alleged. He said that, having been a guardian several times, he found that a proper attention to the duties of the office interfered with his business, and therefore he was compelled to give it up; and he certainly admitted, besides, that he entertained a strong opinion on the subject of out-door relief. With regard to the case of the pauper mentioned, he had ascertained that there were only two cases to which the description of the noble Earl could apply. In one instance the person had been employed by a noble relative of his own during the severe part of the winter, and although his family were suffering from disease, it was caused not by destitution or want, but by injuries which they had sustained. In the other case the person had been employed as a sawyer, and in one month had earned wages amounting to 9*l.*, and the guardians, therefore, conceived that they were justified in refusing him relief, and besides, although it appeared subsequently that he was in want, his apparent destitution it was ascertained was caused entirely by mismanagement.

Earl *Stanhope* said, that the case of the guardian referred to by the noble Earl was not that to which he had alluded, and he must repeat that in the instance which he had mentioned he had received his information from the guardian himself. With regard to an allegation that the administration of the law was lenient in the union of Sevenoaks, he had a letter from a pauper confined in the workhouse there, who said, "We are kept so short of victuals, having hardly enough to support life, and we are never allowed to go out an any day or any hour."

Petition laid on the table.

Church Accommodation (Ireland).] The Earl of *Ripon*, in presenting a petition from the bishop and clergy of the diocese of Down and Connor, complaining of a great want of church accommodation in that diocese, took the opportunity to say, that their Lordships were aware that, in that diocese, there were a great many Protestants. They had offered to advance a considerable sum of money for the purpose of obviating the complaint, and had made application to the Commissioners in Ireland for assistance to complete the object. The Commissioners answered that they were sorry that they could afford no relief, but they had actually no funds from which they could advance any money. He was not at all surprised at that answer, because the expenditure of that commission, the necessary and inevitable expenditure, had exceeded their income in four years by the sum of 229,000*l.*; and they had been compelled to borrow 100,000*l.* under the Act from the Government, and apply the money which they obtained by the sale of perpetuities and bishops' leases, which money ought to have been laid aside to form a fund.

The Bishop of *Derry* would take that opportunity of stating to their Lordships, that many of the clauses in the Church

Temporalities' Act were of a very injurious nature. In Ireland, as he supposed was the case in this country, there were many large parishes the churches of which were situated at the extremity, and he hoped that the Commissioners would, as soon as possible, turn their attention to that subject, as it was impossible for many of the parishioners to attend the performance of public worship. There was one class in Ireland who seemed to be altogether forgotten—he meant the curates, who were often turned out of their cures upon the coming in of a new incumbent, and were left to poverty in the evening of their life. He sincerely trusted that whenever the funds of the Commissioners were in a more flourishing condition, something would be done for that suffering class. Might he ask the noble Viscount if that Bill—the Church Temporalities' Bill, was likely to be altered during the Session?

Viscount *Melbourne* was not aware that there existed any serious objections to the Bill alluded to by the right rev. Prelate.

Petition laid on the table.

HOUSE OF COMMONS,

Monday, March 19, 1838.

MINUTES.] Bills. Read a second time:—Mutiny; and Marine Mutiny.

Petitions presented. By Mr. THORNELY, from Upper Govnal, from Baptists at Providence Chapel, and at Summer-hill Chapel, in the parish of Sedgley, by Mr. C. WHITLEY DUNDAS, from Baptists at Bontnewydd, by Mr. W. A. WILLIAMS, signed by 2,076 inhabitants of Nanty Glo Iron-works (Monmouthshire), by Mr. BAINES, from several places in Yorkshire, by Mr. C. P. VILLIERS, from two places in Staffordshire, by Sir G. STRICKLAND, from Dewsbury, and eleven other places in Yorkshire, by Mr. LABOUCHERE, from Taunton, and by Lord EBRINGTON, from Sidmouth and Bideford, for the abolition of Negro Apprenticeship.—By Sir JAMES GRAHAM, from 615 Freeholders of the county of Roxburgh, complaining of Rioting and Disturbances at the three last Elections for that county.—By Lord W. BENTINCK, from Glasgow, from four Dissenting Congregations in the neighbourhood of Glasgow, by Mr. J. E. ELLIOT, from places in Roxburghshire, and by Mr. E. ELLICE, jun., from Cupar, against additional Endowments to the Church of Scotland.—By Mr. GROTE, from Cirencester, in favour of the Ballot.—By Lord CASTLEREAGH, from parishes in the county of Down, by Mr. O'CONNELL, from Dublin, and by Mr. ROCHE, from Limerick, against the Poor-law (Ireland) Bill.—By Lord SANDON, from several Building Societies of Liverpool and its neighbourhood, against the Small Tenements Rating Bill; and from 3,000 persons in Liverpool, for the repeal of the Catholic Emancipation Act.

POOR-LAW—(IRELAND).] House in Committee on the Poor-law (Ireland) Bill.

On the 70th Clause,

Mr. *S. O'Brien* moved an amendment, to the effect that the receivers of rent-charges, annuities, and jointures should be liable to the rates in the proportion of their several charges; and that the nominal landlord should be liable only in the proportion of his clear receipts.

Viscount *Morpeth* said, it was the intention of Government, by the interpretation clause, to extend the operation of this clause to all rent-charges in the nature of fee-farm rents; but it would be a new principle in law to subject to a charge of this sort jointures, annuities, and marriage portions.

Mr. *Shaw* supported the amendment, and stated a case in which an estate producing annually 1,100*l.* paid 950*l.* in the way of annuities and jointure, leaving only 150*l.*, to the landlord: it would be most unjust to impose on him the entire burden of the rate.

Mr. *O'Connell* believed the act would produce nothing but disgust if it excepted annuitants, who, for the most part, had abundant means, and were not otherwise taxed.

Colonel *Conolly* contended, that the amendment, if adopted, would tend to depreciate Irish property, and render it more difficult to borrow money upon land.

The Committee divided on the amendment. Ayes 27; Noes 37:—Majority 10.

List of the AYES.

Archbold, R.
Barron, H. W.
Bateson, Sir R.
Bridgeman, H.
Chester, H.
Curry, W.
Evans, G.
Finch, F.
Fitzsimon, N.
French, F.
Hayes, Sir E.
Jephson, C. D. O.
Jones, T.
Kirk, P.
Litton, E.
Macnamara, Major
Maher, J.
O'Conor D.
O'Connell, M.
Palmer, G.
Pechell, Captain
Redington, T. N.
Roche, W.
Shaw, right hon. F.
Sinclair, Sir G.
Style, Sir C.
Westenra, hon. H. R.

TELLERS.

O'Brien, S.
Roche, D.

List of the NOES.

Adare, Viscount
Barrington, Viscount
Briscoe, J. I.
Buller, Sir J. Y.
Busfield, W.
Castlereagh, Visc.
Childers, J. W.
Clements, Visc.
Conolly, E.
Courtenay, P.
Damer, hon. D.
Ebrington, Visc.
Ellis, J.
Fergusson, rt. hon. C.
Gladstone, W. E.
Grey, Sir G.
Hodgson, R.
Hughes, W. B.
Lucas, E.
Lynch, A. H.
Miles, W.
Morpeth, Viscount
Nicholl, J.
O'Callaghan, hon. C.
Poulter, J. S.
Power, J.
Rice, rt. hon. T. S.
Richards, R.
Rundle, J.
Russell, Lord J.
Scrope, G. P.
Sheil, R. L.

Shirley, E. I.
Somerville, Sir W. M.
Staunton, Sir G. T.
Thornley, T.
Young, J.

TELLERS.
Campbell, Sir J.
Labouchere, T.

Clause agreed to.

Clause 71 having been proposed,

Mr. *F. French* objected to the clause and wished it to be omitted. He contended that it would hold out a great temptation to landlords to raise the rent of Houses above *5l.*, and would expose the poorer classes to oppression.

The *Chancellor of the Exchequer* objected to the proposition of the hon. Member for Roscommon, on the ground, that as all the rate-payers were to vote in the election of guardians, the omission of this clause whould let in a set of voters directly interested in the mismanagement of the measure.

Mr. *Shaw* thought, it would be better to have one uniform mode of rating throughout this bill, and that in all cases the occupier should pay the rate. This would give the tenant an interest, which it s fit he should have, in the appointment of guardians, and in the disposition of the funds of his parish.

Sir *C. Style* moved, that *10l.* be substituted for *5l.* as the amount of rent in the clause.

Mr. *Lefroy* thought, that the clause would operate prejudicially, in leading landlords to increase their rents on the poor man, or to add to the evils which arose from clearing estates of small holdings. He should therefore support the amendment of the hon. Member for Roscommon (Mr. F. French).

Lord *J. Russell* said, he believed there was considerable difficulty about the clause, and he felt some doubt about the course which ought to be pursued in reference to it. The most that they could do in legislation of this sort was to lay down a general rule or principle. If exceptions were found to arise in particular districts and under particular circumstances, it could not be helped. The difficulty in the case was, that they must either adopt an arbitrary line, which should be universal and uniform in its application, or they should have no line at all. The question which he considered of the greatest importance was, whether the bill would be likely to work so well without some line as with it. They would in the former case have a small class of tenants paying rates and having the right to vote, the payments from whom would be irregular, and would give rise to constant disputes and vexation. Besides, they would not be so intelligent in working the bill and administering its provisions as the class pointed out in the clause, and from which these people would be excluded. In England it was true that many persons were from poverty exempted from the payment of rates, but in Ireland, if some were to pay readily, others after a contention, and some not at all, such a state of confusion would arise, and such impediments would be thrown in the way, that it would be impossible to work the bill. If a line, however, was drawn reasonably well, they would have a certainty of getting a class of persons who would pay regularly, and who would be sufficiently intelligent to work the bill well. Upon the whole, he was disposed to say that the clause as it stood was preferable either to the amendment of the hon. Member for Roscommon (Mr. F. French), or the proposition of the hon. Baronet, the Member for Scarborough.

Mr. *Lucas* did not approve of the arbitrary line laid down by the noble Lord. He found, upon examination, that the average of all occupations in Ireland did not exceed *7l.* a-year. The payment of a higher amount of rent by a small farmer was not by indication of wealth or prosperity, but was altogether the result of chance and a successful scramble for a larger quantity of land. The laying down of an arbitrary line would create a great deal of jealousy among the small farmers, and would operate ss a check upon industry and an encouragement to laziness and slovenliness. He would, therefore, support the amendment of the hon. Member for Roscommon, in preference to that of the hon. Baronet, the Member for Scarborough, which, as he had shown, would exempt nine-tenths of all the occupying tenants in Ireland from the payment of rates.

Mr. *O'Connell* said, he would divide in favour of the substitution of the word, "ten" for that of "five." As the bill stood it was perfectly absurd to make the most wretched peasantry of Ireland the bankers of their landlords, by advancing money for them which they were afterward to deduct from the rent.

The Committee divided on the question that the blank in the clause be filled up with the words "five pounds," as originally proposed. Ayes 57; Noes 17: Majority 40.

List of the Ayes.

Barrington, Viscount
Bateson, Sir R.
Beamish, F. B.
Blake, M. J.
Briscoe, J. I.
Buller, Sir J. Y.
Busfield, W.
Chester, H.
Cole, hon. A. H.
Coote, Sir C. H.
Corry, hon. H.
Dalmeney, Lord
Ellis, J.
Fergusson, rt. hon. R. C.
Gladstone, W. E.
Grey, Sir G.
Hayes, Sir E.
Hodgson, R
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Humphrey, J.
Hurt, F.
Jephson, C. D. O.
Jones, T.
Kirk, P.
Lefroy, rt. hon. T.
Litton, E.
Lucas, E.
Lynch, A. H.
Macleod, R.
Marshall, W.
Marsland, H.
Martin, J.
Morpeth, Lord Visct.
Morris, D.
O'Brien, W. S.
Parnell, rt. hon. Sir H.
Plumptre, J. P.
Pringle, A.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, W.
Roche, D.
Round, C. G.
Rundle, J.
Russell, Lord J.
Shaw, rt. hon. F.
Staunton, Sir G. T.
Thomson, rt. hn. C. P.
Thornely, T.
Williams, W.
Winnington, T. E.
Wood, Sir M.
Woulfe, Mr. Sergeant
Young, J.

Tellers.
Brotherton, J.
Parker, J.

List of the Noes.

Archbold, R.
Bridgeman, H.
Bryan, G.
Butler, hon. Colonel
Clements, Viscount
Curry, W.
Fitzsimon, N.
Maher, J.
O'Connell, D.
O'Connell, J.
Reddington, T. N.
Roche, E. B.
Somerville, Sir W. M.
Stansfield, W. R. C.
Wakley, T.
Westenra, hon. H. R.
Wood, G. W.

Tellers.
French, F.
Style, Sir C.

The Committee again divided on the question, that the clause stand part of the bill. Ayes 49; Noes 27: Majority 22.

List of the Ayes.

Archbold, R.
Beamish, F. B.
Blake, M. J.
Bridgman, H.
Briscoe, J. I.
Brotherton, J.
Buller, Sir J. Y.
Busfield, W.
Cole, hon. A. H.
Coote, Sir C. H.
Corry, hon. H.
Fergusson, rt. hon. C.
Grey, Sir G.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Humphrey, J.
Hurt, F.
Litton, E.
Macleod, R.
Marshall, W.
Marsland, H.
Martin, J.
Morpeth, Viscount
Morris, D.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Parnell, rt. hn. Sir H.
Plumptre, J. P.
Rice, E. R.
Rice, rt. hn. T. S.
Roche, E. B.
Roche, W.
Roche, D.
Rundle, J.
Russell, Lord J.
Shirley, E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Style, Sir C.
Thornley, T.
Tollemache, F. J.
Wakley T.
White, L.
White, S.
Winnington, T. E.
Wood, Sir M.
Woulfe, Mr. Sergeant

TELLERS.
Dalmeney, Lord
Parker, J.

List of the Noes.

Barrington, Viscount
Bateson, Sir R.
Brabazon, Sir W.
Bryan, G.
Butler, Colonel
Chester, H.
Curry, W.
Ellis, J.
Fitzsimon, N.
Hayes, Sir E.
Hodgson, R.
Jephson, C. D. O.
Jones, T.
Kirk, P.
Lefevre, C. S.
Lucas, E.
Lynch, A. H.
Maher, J.
Reddington, T.
Round, C. G.
Shaw, F.
Somerville, Sir W. M.
Stuart, V.
Tennent, J. E.
Westenra, hon. H.
Wood, G. W.
Young, J.

TELLERS.
Clements, Viscount
French, F.

On Clause 74, "receipts for rates to be taken in payment of rent," being read,

Mr. *O'Connell* contended that this clause gave a power to the landlord over the tenant which was not sanctioned by the law as it now stood, and which, if attempted to be carried into operation, must work great injustice. This clause gave the landlord the power of ejecting his tenant for non-payment of rent, though it might happen that he had paid in poor rate the sum to which he was really liable. This proof the tenant had no opportunity of giving, for the right of action was taken away from him. Now, how stood the law at present? No action for ejectment would lie unless it was proved, that the tenant got credit for any sum he might have advanced for the landlord, and that after so doing, a full year's rent remained due. But by this clause, the tenant was not allowed the same advantage with respect to payments made on account of the poor-rate which they were about to establish, as he now possessed with regard to all other advances made by him in favour of the landlord. He defied any hon. Member to produce any but one, apparently, just reason for conferring this exorbitant power on the landlord, and that was, that he might not know what sum was paid for rates by the tenant. But this difficulty might be easily removed by requiring the landlord to serve a notice on the tenant, demanding that he should state how much he had paid for rate, and, in case of his refusing to answer, that he should be declared not entitled to credit for any advance which he might have made. He had made up his mind that this bill could confer no benefit when it imposed the rate on the occupier in the manner in which it was determined to have it levied; and he should have taken no part in the discussion of its details, only for the impression which he had, that such clauses as the present would work gross injustice to the tenant. An ejectment could not be served on a single person in Ireland, for a less sum than from *5l.* to *10l.*; and a tenant might be put to expense and deprived of his holding, though he might have a good and honest defence, on the ground that he had paid as much in poor rate as would discharge the claim for rent.

Mr. *Shaw* objected to this clause, because it would prejudice the tenant, and also if any part of the rent were paid in poor-rates the landlord would be deprived of any remedy for recovering the residue. The interests of landlords and tenants were identical, and this bill ought not to give either one an advantage over the other; at the same time this was a dangerous experiment to be tried on the landed interests of Ireland, for it was not so much a question between landlords and tenants as between the landed interests and destitution. If the right hon. Gentleman (Mr. Sergeant Woulfe) said, that the object was only to protect the landlord from paying the poor-rates of the tenant, he should be satisfied.

Mr. Sergeant *Woulfe* thought the hon. and learned Member for Dublin had explained the difficulty of the right hon. Member who had just spoken, in saying that the landlord's remedy by ejectment was the only one interfered with in this clause; but the tenant got credit from the landlord for the amount of the poor-rates, and yet the landlord's action for the remainder would be as vigorous as ever; he might bring an action for the gale rent minus the poor-rates. There was no case in law in which a partial payment on account of the landlord would deprive him of that remedy. The Tithe Act was framed so as to give the tenant the power to deduct the amount of tithes from the rent due to the landlord, and yet not deprive the landlord of his remedy for the residue. In his opinion, the clause did all that was fair to the landlord without being harsh upon the tenant. It would certainly be hard on the landlord to deprive him of ejectment or some means of recovering his remaining rent. The hon. and learned Member for Dublin said this clause gave no action; nor did it for the tenant; but it gave him what was better, the right of deducting from the rent the amount he had paid for poor-rates. The deduction was not to the prejudice of the landlord, but only to protect the tenant.

Mr. *O'Connell* said, that it was his solemn opinion that this bill would amount to an actual confiscation on the part of the landlords and tenants; by its present limits it could not go far enough to prevent this. It was only upon comparing its operation on landlords and tenants that he said it was a landlord's bill. He did not deny, that the landlord ought to have some remedy to recover the surplus of his rent after the poor-rates were paid; but he would suppose a case where *50l.* rent was paid; the tenant paid *30l.* for poor-rates, and there was no reason then why the landlord should not recover the remaining *20l.*; he might distress, or he might bring an action for that sum, but by this monstrous and unjust clause he might bring an ejectment and recover the whole *50l.*

Mr. Sergeant *Woulfe* observed, that the ejectment would be brought for the residue, and not for the entire rent.

Mr. *O'Connell* said, that unless there was an entire year's rent due, no ejectment could be brought. That was the law. An ejectment was to recover the land, and not the rent, and yet if a tenant had paid *30l.* *40l.*, or even the whole of the *50l.* rent for poor-rate, the landlord could recover the full amount by an ejectment. Was not this a monstrous injustice? And yet no action was given to the tenant against the landlord. That was really the law, and although he had left his profession, he was certain of it, and would stake his professional character on that point. He was not to be shaken from his position. There was only one inconvenience which he would admit, and that was, that the tenant by paying a small portion of the poor-rates might deprive the landlord of the remedy by ejectment, but the clause ought either to enable the landlord to pay the poor-rates, or prevent his tenant from doing so, by giving him due notice of it.

Mr. Sergeant *Woulfe* observed, that the hon. and learned Member for Dublin said, a tenant might pay all the amount of rent in poor-rates, and yet be liable to his landlord; but under this clause all poor-rates paid were equivalent to rent paid to the landlord. He denied the possibility of a tenant being liable to an ejectment or action if he paid the whole amount of rent in poor-rates. If he produced the discharge which he had received from the collector, it would be as effectual as a receipt from his landlord. If he had not paid the whole, he admitted that he was then liable to the same remedy, and no other, as if he had paid none. It was not fair that landlords should be deprived of all remedies, and the law should give him a remedy for a part as well as the whole. This act compelled the tenant to pay the rates, and that would be equivalent to rent.

Mr. *O'Connell* said, that he saw there was one word in the proviso which would bear the construction of the right hon. Member—viz., that where the rent was entirely paid in poor-rates, an ejectment would not lie; so far he conceded, but if 49*l.* were paid out of 50*l.*, then it would, and if an action were brought, a verdict in judgment must be given.

Mr. *Lefroy* supported the clause, for he thought the case put by the hon. and learned Member for Dublin a very extreme one, and not at all likely to occur in practice.

Mr. *E. Litton* considered it to be extremely improbable, even supposing a tenant paid 49*l.* 15*s.* in poor-rates out of a rent of 50*l.*, that any landlord would bring an action of ejectment for the remaining 5*s.*, or that any tenant would refuse to pay the 5*s.* to save the action. But there was a case very likely to occur, if not prevented by the enactments of the present bill, which would have a most injurious effect on the interest of the landlord—viz., that of a tenant paying 2*s.* 6*d.* poor-rates for the purpose of defeating an action of ejectment brought for the non-payment of a rent of 50*l.* He, therefore, was in favour of the retention of the proviso to the clause, by which such a proceeding was rendered impossible.

Mr. O'Connell moved the following amendment to the clause:—"That deduction on account of any payment of rate under this act shall be held to be a discharge of any portion of any gale, or quarterly or other payment of rent, due from the person entitled to make such deduction, so as to prejudice the right of any landlord to recover the possession of any hereditaments by ejectment for non-payment of the rent thereof, but that it shall and may be lawful in any case where the remaining portion of such gale shall be unpaid; for such landlord to proceed for the recovery of such hereditaments by ejectment, as effectually as if the entire gale or quarterly or other payment of rent, out of which such deduction is hereby allowed, had remained wholly due and unpaid."

The Committee divided on the original motion: Ayes 69; Noes 8: Majority 61.

List of the AYES.

Adam, Admiral
Ainsworth, P.
Archbold, R.
Barron, H. W.
Barry, G. S.
Bateson, Sir R.
Beamish, F. B.
Blake, M. J.
Briscoe, J. I.
Busfeild, W.
Castlereagh, Lord Vis.
Cole, hon. A. H.
Craig, W. G.
Curry, W.
Dalmeny, Lord
Douglas, Sir C. E.
Fergusson, rt. hon. C.
Finch, F.
Fitzalan, Lord
Fitzsimon, N.
Forbes, W.
French, F.
Grimsditch, T.
Hayes, Sir E.
Hodgson, R.
Howard, F. J.
Howick, Lord
Hughes, W. B.
Hurt, F.
James, W.
Jephson, C. D. O.
Jones, T.
Kirk, P.
Lefroy, rt. hon. T.
Litton, E.
Lynch, A. H.
Macleod, R.
Maher, J.
Marshall, W.
Maxwell, H.
Monypenny, T. G.
Morpeth, Lord
Morris, D.
O'Brien, W. S.
O'Neil, hon. J. B. R.
Palmer, C. F.
Parnell, Sir H.
Plumptre, J. P.
Price, Sir R.
Redington, T. N.
Roche, E. B.
Roche, D.
Russell, Lord J.
Shaw, right hon. F.
Sinclair, Sir G.
Somerville, Sir W. M.
Stansfield, W. R. C.
Staunton, Sir G.
Stuart, V.
Style, Sir C.
Thomson, C. P.
Thornely, T.
Tollemache, F. J.
White, A.
Wood, C.
Wood, G. W.
Woulfe, Serjeant
Wyse, T.
Yates, J. A.

TELLERS.

Grey, Sir G.
Parker, J.

List of the NOES.

Brabazon, Sir W.
Bridgeman, H.
O'Brien, C.
O'Connell, J.
Wakley, T.
Westenra, H. R.
White, L.
White, S.

TELLERS.

Bryan, G.
O'Connell, D.

Clause agreed to.

On Clause 76, giving rate-payers votes in proportion to their property,

Mr. *O'Connell* objected to the clause, as granting a plurality of votes for the election of guardians. The system of plural voting had, in all cases where it had been adopted, operated badly, and he would therefore move as an amendment, that the words "or votes" be left out.

Viscount *Morpeth* said, the motives for granting a plurality of votes were so obvious, that he would not take up the time of the Committee by detailing them. The system had been established in the English law, and he thought plural voting was necessary in the present case for the due protection of property. He could not, therefore, consent to the amendment of the hon. and learned Member for Dublin.

The Committee divided on the original question, that the words stand:—Ayes 58; Noes 18: Majority 40.

List of the AYES.

Acland, T. D.
Ainsworth, P.
Baines, E.
Barron, H. W.
Barry, G. S.
Bateson, Sir R.
Blackburne, I.
Brabazon, Sir W.
Briscoe, J. I.
Busfield, W.
Castlereagh, Viscount
Cole, Viscount
Craig, W. G.
Curry, W.
Dalmeny, Lord
Douglas, Sir C.
Fitzsimon, N.
French, F.
Hayes, Sir E.
Hodgson, R.
Howick, Viscount
Hughes, W. B.
Hurt, F.
James, W.
Jephson, C. D. O
Jones, T.
Kirk, P.
Lefroy, right hon. T.
Litton, E.
Lucas, E.
Lynch, A. H.
Macleod, R.
Maxwell, H.
Morpeth, Viscount
Morris, D.
Murray, J. A.
O'Brien, W. S.
O'Neil, hon. J. B.
Palmer, C. F.
Palmer, G.
Parnell, Sir H.
Plumptre, Sir J. P.
Price, Sir R.
Redington, T. N.
Russell, Lord J.
Sinclair, Sir G.
Stanley, E. J.
Stansfield, W. R.
Stuart, Lord J.
Stuart, V.
Tennent, J. E.
Thomson, C. P.
Tollemache, F. J.
Westenra, hon. H.
Wood, C.
Wood, G. W.
Wyse, T.
Yates, J. A.

TELLERS.
Parker, J.
Grey, Sir G.

List of the NOES.

Archbold, R.
Beamish, F. B.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Clements, Viscount
Finch, F.
Howard, F. H.
Maher, J.
O'Brien, C.
O'Connell, J.
Roche, E. B.
Roche, D.
Somerville, Sir W. M.
White, A.
White, L.
White, S.

TELLERS.
O'Connell, D.
Wakley, T.

Mr. *S. O'Brien* had an amendment to propose in regard to the present clause. As the clause was framed, the scale of voting gave, in his opinion, an unfair influence to property, and he should therefore move an alteration in the scale, and also a limitation to the number of votes to be given by any one owner of property for the election of guardians. By the proposed scale, any sum above *5l.*, and not exceeding *50l.*, gave one vote; *50l.*, and not exceeding *100l.*, two votes; *100l.*, and not exceeding *150l.*, three votes; *150l.*, and not exceeding *200l.*, four votes; *200l.*, and any sum above that, giving five votes. Now, in the English Poor-law Bill the number of votes allowed was only three, and the scale of voting was as follows:—Any sum under *200l.* entitled the party to only a single vote; *200l.* or more, but under *400l.*, to two votes; *400l.*, or upwards, to three votes. That, in his opinion, was a much fairer scale, and he should therefore move (as we understood the hon. Member) that the number of votes in any one case be limited to three, and that a scale similar to that in the English Poor-law Bill should be adopted in the present case.

The Committee divided on the original question, that the blank be filled up with the words fifty pounds:—Ayes 54; Noes 20: Majority 34.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Ainsworth, P.
Baines, E.
Barron, H. W.
Barry, G. S.
Bateson, Sir R.
Blackburne, I.
Brabazon, Sir W.
Briscoe, J. I.
Cole, Viscount
Craig, W. G.
Curry, W.
Douglas, Sir C. E.
Forbes, W.
French, F.
Grey, Sir G.
Hayes, Sir E.
Hobhouse, Sir J. C.
Hodgson, R.
Howick, Viscount
Hughes, W. B.
James, W.
Jephson, C. D. O.
Jones, T.
Kirk, P.
Lefroy, right hon. T.
Litton, E.
Lucas, E.
Lynch, A. H.
Macleod, R.
Maher, J.
Monypenny, T. G.
Morpeth, Viscount
Morris, D.
Murray, hon. J. A.
O'Neil, hon. J. B. R.
Palmer, C. F.
Palmer, G.
Parker, J.
Parnell, Sir H.
Plumptre, J. P.
Price, Sir R.
Redington, T. N.
Russell, Lord J.
Shaw, right. hon. F.
Sinclair, Sir G.
Stanley, E. J.
Stuart, Lord J.
Steuart, V.
Tennent, J. E.
Thomson, C. P.
Woulfe, Sergeant
Wyse, T.

TELLERS.
Wood, C.
Rolfe, Sir R. M.

List of the NOES.

Archbold, R.
Beamish, F. B.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Bryan, G.
Clements, Viscount
Finch, F.
Howard, F. J.
Marshall, W.

O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Roche, E. B.
Roche, W.
Roche, D.
Somerville, Sir W. M.
Vigors, N. A.
Wakley, T.

TELLERS.
O'Brien, W. S.
Brotherton, J.

Clause agreed to.

On Clause 78, "At elections for guardians votes to be taken in writing,"

Mr. O'Connell moved, that the words "by ballot" be substituted for the words "in writing."

The Committee divided on the original motion:—Ayes 54; Noes 27: Majority 27.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Baines, E.
Barrington, Viscount
Barron, H. W.
Barry, G. S.
Bateson, Sir R.
Blackburne, I.
Briscoe, J. I.
Clements, Viscount
Cole, Viscount
Conolly, E.
Corry, hon. H.
Curry, W.
Douglas, Sir C. E.
Ebrington, Viscount
Fitzsimon, N.
Forbes, W.
French, F.
Grey, Sir G.
Hayes, Sir E.
Hobhouse, Sir J.
Hodgson, R.
Howick, Viscount
Hughes, W. B
Jones, J.
Kirk, P.
Knight, H. G.
Lefroy, right hon. T.
Litton, E.
Lucas, E.
Macleod, R.
Maher, J.
Marshall, W.
Maxwell, H.
Monypenny, T. G.
Morpeth, Viscount
Morris, D.
Murray, J. A.
O'Brien, W. S.
O'Neil, hon. J. B. R.
Palmer, C. F.
Palmer, G.
Price, Sir R.
Redington, T. N.
Russell, Lord J.
Stuart, V.
Tennent, J. E.
Thomson, C. P.
Townley, R. G.
Westenra, H. R.
Wood, C.
Woulfe, Sergeant
Yates, J. A.

TELLERS.
Stanley, E. J.
Parker, J.

List of the Noes.

Archbold, R.
Beamish, F. B.
Blake, M. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Craig, W. G.
Finch, F.
Howard, F. J.
James, W.
Jephson, C. D. O.
Lynch, A. H.
O'Brien, C.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Roche, E. B.
Roche, W.
Roche, D.
Sinclair, Sir G.
Somerville, Sir W. M.
Style, Sir C.
Vigors, N. A.
Wallace, R.
Wyse, T.

TELLERS.
O'Connell, D.
Wakley, T.

Clause agreed to,

On Clause 79, "Votes may be given by proxy."

Mr. *Wyse* objected to this clause, on the ground that it would encourage absenteeism, and moved that it be omitted.

Mr. S. O'Brien supported the amendment.

A division took place on the question, that the clause stand part of the bill:—Ayes 52; Noes 27: Majority 25.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Ainsworth, P.
Baines, E.
Barrington, Viscount
Barron, H. W.
Barry, G. S.
Bateson, Sir R.
Blackburne, I.
Briscoe, J. I.
Campbell, W. F.
Clements, Viscount
Cole, Viscount
Conolly, E.
Corry, hon. H.
Craig, W. G.
Curry, W.
Douglas, Sir C. E.
Ebrington, Viscount
Fleetwood, P. H.
Forbes, W.
French, F.
Grey, Sir G.
Hayes, Sir E.
Hobhouse, Sir J.
Hodgson, R.
Howard, F. J.
Howick, Viscount
Hughes, W. B.
Jephson, C. D. O.
Jones, T.
Litton, E.
Lucas, E.
Macleod, R.
Marshall, W.
Morpeth, Viscount
Morris, D.
Nicholl, J.
O'Neil, hon. J. B. R.
Palmer, C. F.
Palmer, G.
Price, Sir R.
Russell, Lord J.
Shaw, hon. F.
Sinclair, Sir G.
Stanley, E. J.
Stuart, V.
Tennent, J. E.
Thomson, C. P.
Townley, R. G.
Westenra, H. R.
Woulfe, Mr. Sergeant

TELLERS.
Lynch, A. H.
Prker, J.

List of the Noes.

Archbold, R.
Beamish, F. B.
Blake, M. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Finch, F.
Fitzsimon, N.
James, W.
Maher, J.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Redington, T. N.
Roche, E. B.
Roche, W.
Roche, D.
Somerville, Sir W. M.
Style, Sir C.
Vigors, N. A.
Wakley, T.
Wallace, R.
Yates, J. A.

TELLERS.
Wyse, T.
O'Brien, W. S.

Clause agreed to.

Clauses to the 100th were agreed to.

The House resumed, Committee to sit again.

HOUSE OF LORDS,

Tuesday, March 20, 1838.

MINUTES.] Petitions presented. By the Marquess of SLIGO, from Pontefract, Lowestoff, and Boroughbridge, by Lord DACRE, from Wellingborough, Wootton-under-Edge, and other places, and by the Earl of ROSEBERRY, from Dissenters in Edinburgh for the abolition of Negro Slavery.—By the Earl of WINCHILSEA, from Lambeth, against encouraging Catholics.

NEW POOR-LAW.] Lord *Wynford* presented a petition agreed to at a public meeting held at Lewes, complaining of the destitute state of the poor, and the increase of crime in the county of Sussex, which the petitioners ascribed to the operation of the New Poor-law, which they prayed their Lordships to repeal.

The Duke of *Richmond* said, this petition, it appeared, came from the neighbourhood of the town of Lewes. He had received no communication whether the meeting at which it was agreed to was a large one or not, but he should not be surprised if it had been a large meeting; for their Lordships must be aware, that at the time when the meeting was called, there was a contested election at Lewes, which was won by a very small majority—not more, he believed, than two or three on the part of the successful candidate. On that occasion the New Poor-law was made the *cheval de bataille ;* and, but for that, the meeting he was sure would not have been so well attended. Now, as to the increase of crime, he admitted, that in the eastern division of Sussex a considerable number of offences had lately been committed more than formerly; but they were not occasioned by the New Poor-law. He had felt it to be his duty, as Lord-lieutenant of the county, to communicate with the magistrates of that part of Sussex ; and many of them, opposed as they were to the New Poor-law, and agreeing as they did in the opinion of the noble Earl who was to bring the subject forward that evening, nevertheless stated to him that the reason of the increase of offences was the suppression of smuggling. Those who had previously subsisted by the introduction of contraband goods, men who never worked, and who never would work, now that smuggling was nearly extinguished, had taken to theft and plunder. But in the western part of the county where the New Poor-law had been tried, there had been a decrease, not an increase of crime. He begged leave to state, that on the 17th of February, 1836, there were 105 persons imprisoned at Petworth, whereas on the 17th of February, this year, there were only forty persons in custody. It was clear, therefore, that there was no increase of crime in that part of the county. He trusted, therefore, that noble Lords would not be led away by the representations of those petitioners They might know something of the working of the Poor-law in their own borough, but they were ignorant of its operation in the other parts of the country, and if crime had increased, it was confined to the eastern division of Sussex.

Lord *Wynford* believed, that crime had increased not only in Sussex, but also in Kent and Gloucestershire, since the New Poor-law had been brought into operation. It was shown by papers which had been laid on the table, that in two years criminal cases within certain districts had increased 900 above what they had formerly been.

Petition laid on the table.

Earl *Stanhope* said, the petitions which he should have the honour to offer to their Lordships came from different parts of the country. They varied in substance and matter, but in one point—namely, their decided opposition to the New Poor-law, they all agreed; and as that was a point of very considerable importance, he hoped that he should be allowed to call their Lordships' particular attention to it. The first petition was from the parish of Almondbury, in the West Riding of the county of York. The petitioners declared that, in their opinion, the New Poor-law was illegal; that its operation was likely to prove destructive of property; that it was calculated to widen the breach between the rich and the poor, and to reduce the latter to a state of destitution; and therefore they prayed, that the existing law should be repealed, and that a new poor-law should be substituted, founded on humane and Christian principles. The noble Earl also presented petitions to the same effect from Halifax, from Cateaton, from Baldock, and from South Hants, from Aldmondbury (a second petition), from Throckmorton, from Rochdale, from a parish in Huddersfield, from Hulme (in which the petitioners complained that, under the new law, poverty was punished as a crime, and that it was calculated to render the security of property precarious), from Huddersfield, and several other places. Although he could not imagine that any opposition would be made in any quarter to a motion so unexceptionable as that which he intended to submit to their Lordships, for the production of papers which could be prepared with very little trouble, and at a very trifling expense, still he conceived it to be his duty to make some observations on the subject to which those papers related. It had been confidently stated by some noble Lords that the New Poor-law was beneficial in its principle and operation, and they even went so far as to [say, that it was acceptable to all classes of the community. He was thoroughly convinced, and would endeavour to prove to their Lordships, that the New Poor-law was not, and could not be, acceptable to the labouring classes of this country; nay, that it must be viewed with indignation and abhorrence by that very numerous class of individuals who might be obliged to apply for parochial relief. If the petitions of the people were to be regarded, as was formerly the case, as the test of the popularity or unpopularity of a measure, he should be able to prove, not only that the statements which had been made by certain noble Lords were utterly unfounded, but that they were in direct contradiction to facts. It appeared by a return which had been made in another place, that in the last Session of Parliament there were presented for the repeal of this measure petitions signed by above 201,000 persons; that for exemption from its operation petitions were presented, signed by about 5,000 persons, and for the amendment of the law petitions with 63,000 signatures, forming, therefore, a total of 269,000 persons who had petitioned either wholly or partially against the measure, while on the other hand, in support of the measure, and in favour of its continuance as law, only thirty-five petitions had been presented, containing 952 signatures. Now, in order to make a just estimate of the weight and value of these petitions, their Lordships should always bear in mind, that petitions coming from public meetings were signed by the chairman in the name and on the behalf of the meeting, and that his name counted therefore only as an unit in this calculation. Their Lordships would also bear in mind that the petition with which he had had the distinguished honour of being intrusted, which proceeded from the great public meeting in the West Riding of Yorkshire, bore the name only of the individual who presided, William Stocks, but that it spoke the language and expressed the opinions of about 300,000 honest and independent citizens, assembled to remonstrate against the greatest public grievance with which this country had ever been afflicted. These petitions were the more entitled to be regarded as the true, genuine, and spontaneous, expression of the feelings of the people, as no religious enthusiasm had been excited—as it called into exercise no sectarian feelings, as was the case when the abolition of church-rates was agitated —as it involved no party politics, as on the question of the ballot. On the contrary, persons of all political opinions, and especially the Conservative and the Radical, had, together with persons of every religious denomination, cordially co-operated in the common cause. Now, with respect to this measure, if what was stated by the petitions which had been presented in its favour were true, surely after more than three years and a half had elapsed since it was carried into operation, there would have been some applications made to share in the benefits, which, according to the opinions of this class of petitioners, had been so liberally dispensed in other parts of the country. But he would ask, had the labouring classes sent any petitions to that House entreating their Lordships to continue and cherish the measure, which, as their Lordships had been told, exalted the character, established the independence, and elevated the condition of the labourer? No such petitions had been presented, and they could not expect that such petitions would ever be received by them, though their Lordships should wait for them till the day of judgment. The petitions had principally proceeded from some of those persons who by some strange misnomer were called guardians? For of whom or of what were they the guardians? Obviously not of the poor, nor even of the poor-rates, for the former were not protected by them, and the latter were expended according to the rules, orders, and regulations of the three dictators of Somerset-house. Although, however, on this question the guardians could not be supposed to be wholly impartial, and although some of them had apparently adopted as their motto, "*rem, quocumque modo, rem*," yet there were others who had even petitioned Parliament for an alteration in this measure. There were some guardians, and not a few, with some of whom he had himself co-operated, who had declared that they were strongly opposed to its continuance as law. He would remind their Lordships, also, that the agricultural labourers, who had not addressed themselves to that House, would have petitioned as frequently and as forcibly as other parts of the kingdom, if they were not kept in several parts of the country in a degraded and disgraceful state of intimidation. He knew, or at least he had been informed, that in Cambridgeshire and other counties where public meetings were held for the repeal of the new Poor-law, the labourers were threatened if they attended those meetings with the loss of employment, and therefore, if they attended, they had the alternative before them of starvation out of the workhouse, or imprisonment within its walls. If any man doubted what the real sentiments of the labourers were, he would challenge that man to convene a public meeting, selecting for the place of assembly any part of the country in which, according to his opinion, the evils of the mal-administration of the former law had been most felt, or the benefits of the present system had been most signally displayed. Let that meeting be convened, and let the vote by ballot be adopted, and he would answer for the result. Let it not, therefore, be supposed that in those districts from which no petitions had proceeded, and in which no public meeting had been assembled, their silence implied consent, but, on the contrary, it would be found, that their sentiments would be declared either by petitions or by other modes, which he should deeply lament and which he most strongly deprecated. The noble Lord, the Secretary at War, had asked what were the symptoms of discontent in the agricultural counties? Had there, said he, been any burnings or riotings, such as took place in November, 1830? He had never before heard of an instance, and he hoped he never should hear again of any proposition so unreasonable and absurd, or so pregnant with the most dangerous and mischievous consequences, proceeding, he would not say from a minister of the Crown, but from any person who had had the shortest experience of public affairs. Was there no other proof of the existence of this distress and discontent? Would no evidence be satisfactory to the noble Lord and his colleagues unless acts of violence and outrage took place, and the peace of the kingdom were seriously endangered? If the noble Lord and his colleagues had not the sagacity to discover such symptoms before such events took place, he feared they would remain ignorant of the existence of the disease until it became aggravated, and assumed a form which they and others would find to be incurable. With respect to the manufacturing districts, they had been told by the noble Lord, the Secretary of State for the Home Department, that all the agitation which there existed, and all the petitions which had proceeded from them, had been the work of some dozen individuals, whom he had been pleased to represent as not respectable in circumstances, nor remarkable for intelligence. He wished to know whether those were respectable who raised, encouraged, and promoted, that senseless cry, so acceptable to the Ministers of that day—"The bill, the whole bill, and nothing but the bill"—as if the new Reform Bill were the very perfection of human reason, and the great masterpiece of human legislation, instead of being so unreasonable as well as unjust, that it could not possibly long be allowed to continue. Instead of securing, as it ought to have done, a full, fair, and free representation of all classes of the community, it gave a preponderating power to one class only, to the newly-created class of ten-pounders, and excluded the labouring classes, who were the most numerous, the most meritorious, as well as the most useful and valuable members of society; but it was said they were not respectable. He detested every species of pride, and among others, that pride of purse, which disparaged a man because he was poor, and considered wealth to be the best criterion for respectability. With respect to those individuals with whom he had been in constant correspondence and communication, he would say, that they were as eminently distinguished by their talents and the extent and variety of their information as by their patriotism and public spirit. But if he were to admit as any argument the allegation of the noble Lord, instead of confirming, it would overset the whole of his argument. For could it be said, that persons who did not possess the influence which belonged to wealth, or that more important and powerful influence which accompanied talent—could it be believed, that some dozens, or hundreds, or even thousands of such persons, could have produced such an effect by agitating in the manufacturing districts, except the New Poor-law was felt and acknowledged in those districts to be an incurable grievance? He felt great compassion for the minister who continued so blind and ignorant of the real feelings of the people, although from the official station which he held he possessed every advantage for acquiring information, and although he was bound to ascertain what were the opinions of the public. But most did he feel compassion for the country which was governed by men who could be thus deceived, and which, if it continued under their administration, could not hope to escape the most dreadful calamities. If, from a long and melancholy experience, he was not accustomed practically to apply the ancient maxim of not being astonished at anything, he should have felt some degree of surprise that any reasonable man could seriously entertain the doctrine, that the New Poor-law was acceptable to the labouring classes of the community. Their Lordships knew that there was an ancient sect of philosophers who maintained, that pain, whether bodily or mental, that poverty, and that privation, were not to be considered as evils. But he never yet heard of any man who, contending that they were not evils, considered that poverty and privation were a real, positive, and substantial good, and ought to be eagerly pursued; and yet such must be the opinion of the people of this country before they could approve of the New Poor-law. Before they could be brought to acquiesce or quietly submit to this measure, they must be taught that cruelty and oppression were preferable to kindness and humanity. They, as plain unlearned men, would judge of the measure, not by the provisions of the Act of Parliament, but by its effect, or, according to the language of holy writ, they would judge of the tree by the fruit which it bore. He intended, on this occasion, to confine himself solely to this part of the question. He should, therefore, say nothing at present respecting the unconstitutional, uncontrolled, and, as he contended, the illegal power, of the triumvirate of Somerset-house. He would say nothing as to the supposed saving under the Act, which on another occasion he would prove to be, in a great measure, illusory. He would say nothing upon the subject of medical relief, although he could show, that it was, in a great measure, insufficient. He would bring all these subjects under the consideration of their Lordships on separate and distinct occasions. In his opinion it was at present highly desirable and important to consider the effect and operation on the labouring classes of the New Poor-law, as contrasted with that which existed for more than two centuries previous. The labourer who was, or thought himself to be, in distress, formerly made application to the overseer, a person residing in his immediate neighbourhood, and well acquainted with his wants, situation, and circumstances, as well as his character. At present he must make his application to a person called the relieving officer, he supposed so called from the relief which he did not administer, as *lucus* derived its name *a non lucendo.* These officers lived in districts of such immense extent, and were frequently so much occupied, that the labourer frequently lost a considerable time in making this application. His case was formerly brought under the consideration of the vestry, who were composed of his neighbours, and independent, and now he was obliged to appeal to a board of guardians, who were in most cases only the instruments and servile agents of the Poor-law Commissioners. He was aware that some forty or fifty of their Lordships had condescended to accept the office of chairmen of the boards of guardians. He did not doubt but that such a chairman, from his rank and station, from his personal character, and from his activity and interference, would have considerable weight with the Poor-law Commissioners, and that they must greatly rejoice in, and be benefitted by, his assistance; but as for any real power, the board of guardians, even with such a chairman at its head, did not possess even the shadow or the semblance. It was known to their Lordships, from a recent discussion of the subject, that they did not even venture to feed their poor according to their own pleasure; no, the poor must be dieted according to rules furnished by somebody else, who seemed to think, with the physician in one of Moliere's plays, that "it was better to die according to rule than to live against it." And if the guardians should be so presumptuous as to disobey the orders of the three dictators of Somerset-house, they might, under the law, for the first and second offence be fined, and after that, if they should still prove contumacious or should be thought to be incorrigible—if they should persevere in their rebellion, then for the third offence the chairman and the whole board of guardians might be sent to the tread-mill. Under the former law the labourer received speedy if not immediate assistance; but under the present system, in consequence of prescribed forms, from difficulties which seemed studiously to have interposed in the way of an applicant for relief, considerable time was lost, and he knew that in Suffolk a delay of ten days had occurred between the application for relief and the administration of it. Under the old law, if contrary to his reasonable expectation, the labourer did not receive that relief from the vestry to which he was justly entitled, he had an appeal to the magistrates; this under the new *regime* was prevented; for, indeed, by the new law, both magistrates and vestries had, as far as the poor were concerned, become mere nullities. Now, after a labourer had gone a considerable distance, walking to and fro many miles, he at last obtained the favour of being admitted into the presence of the board of guardians, and then how was he received? To answer that query he must again refer to the county of Suffolk, not because he had any connexion either by property or residence there, but because it was one of those counties in some parts of which the new Poor-law was harshly and severely enforced, and because he could quote the authority of a person whose name he knew would have great weight with the noble Earl on the cross-benches (the Earl of Stradbroke, we believe), and who, besides being a considerable landed proprietor in that county, was conspicuous and revered for his benevolence—a Gentleman who, though not opposed to the principles of this measure, had been so much disgusted with the brutality with which applications were received, that he had refused any longer to attend the board of guardians. An applicant had a sick wife, he had lately buried a child, he proceeded to describe his distresses, he was desired to be silent, and to answer only the questions which were asked of him; this was the sort of justice which was dispensed by the board of guardians. [A noble Lord on the cross benches inquired the name of the person referred to?] He did not feel justified in mentioning the name, but the circumstance to which he had referred had taken place in the Hoxley union. Perhaps the labourer found the guardians of his own parish to be humane and charitable, but they formed only an inconsiderable portion of the whole body, which was composed of representatives from every parish in the union; and those guardians, however inclined they might be to do justice and to act humanely, and however charitably disposed they might be, were outvoted by others, and their good dispositions were of no avail. If application were now made for relief on behalf of a poor man who had a large family, and who, on account of the insufficiency of his wages, could not support them (and in some parts the wages of the working man did not amount to more than 7*s.* a week, and even in Suffolk, he believed, that they did not generally exceed 8*s.* a week), in that case the application was altogether refused by the board of guardians, because, as it was falsely and foolishly termed, such assistance was considered as the payment of wages out of the poor-rates, when, in fact, it was only an allowance justly and reasonably claimed towards the maintenance and support of a large family, given in a manner apportioned to the size of the family, and never given to a single labourer. But if application was made for out-door relief, and the guardians, or rather, he should say, the triumvirate of Somerset-house, sanctioned the application, to what extent did their Lordships suppose was such relief granted in the county of Suffolk? He stated again, on the authority of the landowner to whom he had already referred, that they were allowed only seven pounds of flour per week, he presumed to make into dumplings or hasty puddings, because they had no ovens in which to bake it; and in addition to this they were allowed sixpence a week in ready money; so that out of 1*l.* 2*s.* 6*d.* per annum, the labourer was expected to pay his house rent and to provide firing, clothes, and other necessaries for his family. But if out of door relief were altogether refused, and he had heard of a considerable list of unions in which relief was, according to the orders of the Commissioners sitting in Somerset-house, and which had the force and authority of law, altogether refused to able-bodied labourers—if the relief were refused, the labourer was reduced to a state of destitution; and it seemed that an experiment was to be tried to discover how much deprivation the unfortunate individual was willing to undergo, to what point of starvation he could be reduced, and what extent of suffering he was willing to endure, before he would consent to resign his liberty, and to become an inmate of the prison. Under the former system, also, occasional relief was given in cases of temporary destitution, and the labourer was not removed from the cottage which was endeared to him by so many ties; he continued his former occupation; he was not removed, but he remained as before, a useful and meritorious member of society; but, under the present system, he was obliged to part with his furniture, which he had either inherited from his forefathers, or had acquired by the savings of many years of industry and frugality, he was obliged to part with those goods which he could never replace, and he was then sentenced to perpetual imprisonment; or if his love of liberty should prevail over all other considerations, if the sufferings of the new prison should become intolerable to him, then it was true, that on an application to the guardians, the gates of his prison-house would be flung open to him, he would have liberty to leave it; but he would become a vagrant and an outcast, a being dangerous to society; and he would be obliged, for mere subsistence sake, to prey upon the property of others. What were the opinions upon this part of the subject of the greatest Minister which this country had ever seen, of one who had steered the vessel of the state in safety through a troublous tempest, unexampled in difficulty, in danger, and in duration; and who had justly been denominated "the pilot who weathered the storm?"—unlike the pilots of the present day on both sides of the House, who, by their course of policy, had raised a storm which neither they nor others were able to calm—he need scarcely say, that he alluded to Mr. Pitt. What did Mr. Pitt say in the debate on Mr. Whitbread's motion on the regulation of labourers' wages in 1790. He was reported to have remarked, "No temporary occasion should force a British subject to part with the last shilling of his little capital, and compel him to descend to a state of wretchedness from which he could never recover, merely that he might be entitled to a casual supply." If the labourer under the former system sought relief in the workhouse, he still retained his connexion with his former friends and neighbours—he enjoyed what Blackstone called "all those endearing and family connexions" which were so dear to him; but now he was removed to such a distance, that all intercourse with them was almost physically impossible; once in the union workhouse, in defiance of all law, both human and divine—in violation of the most solemn and sacred vows—the wife was torn from her husband, in most cases both were parted from their children, the bonds of nature were violently torn asunder; nay, the unfortunate inmates were even denied the consolations of religion, and were deprived of the liberty of attending public worship. He repeated, that these houses were prisons—they were prisons by their confinement, they were prisons by their discipline, they were prisons by their management, and they were worse than prisons by the quantity and quality of their food; and yet they had been told by a noble Earl on a former night (Earl Radnor) that the term prison had been most improperly applied to the workhouses, and that they ought rather to be termed asylums for the poor: as well might they, and with as much truth and reason call Newgate and the hulks asylums for criminals. He had an authority on this point which he presumed noble Lords would not be disposed to dispute—the authority of the viceroy of Suffolk. He did not mean the noble Duke who was Lord-lieutenant of that county, but the viceroy of the poor, the Assistant Commissioner, Dr. Kaye, who had at a public meeting said, "Our intention is to make the workhouses as like prisons as possible, and to make them as uncomfortable as possible;" and right well had the Commissioners carried their intentions in this respect into effect. He had before stated, that Dr. Kaye had made use of this language, and the fact had never, so far as he knew, been disputed; but if there was any doubt about it, he was prepared to prove it by the evidence of an hon. Gentleman, a Member of the other House of Parliament, who was present when the declaration was made; but he should think it a waste of time and trouble to send that or any other evidence before a packed Committee of inquiry. In the old workhouses great regard was had for the comfort of the poor, and yet every one who had any experience of the working of the old system knew full well, that the greatest aversion existed to them; that they were considered as the last and melancholy refuge to which the labourer might be ultimately reduced in the extremity of his distress and destitution; and this, he contended, was a sufficient answer to the misrepresentation that these workhouses encouraged idleness, and were places of luxurious indolence. It was said, that out-of-door relief was prohibited by the Act 9 George 3rd, and this fact the noble Lord, the Secretary of State for the Home Department, had quoted with an air of great triumph, as proving the similarity between the present and the former law; but the preamble of that Act said, that it had been found to be, and was, inconvenient and oppressive, and often prevented poor persons from obtaining the relief which was best suited to their circumstances, and that in-door relief was in certain cases found to be injurious to the condition and happiness of such poor persons. They heard too much of what was theoretically recommended by the Poor-law commissioners being constantly and indiscriminately applied in practice without regard to the age, the infirmities, or without any attention being paid to the character or the condition of the person applying for relief. In what barbarous ages and in what remote and uncivilised countries, he would like to know—in what history, ancient or modern, sacred or profane—in what religion of the earth was found a sanction for the diabolical doctrine which had been adopted and reduced to practice—that poverty was to be punished as a crime? Had they any right to punish in this manner those whose unremitting toil, whose honest industry, and labour, and skill, raised so much wealth in this country, of which they themselves received so very a scanty a portion? Were those to be thus treated who were disabled from work through any dispensation of Providence, by age, or by adverse circumstances—was such a fate reserved for the widows and the orphans who, through the misfortunes of their husbands or their fathers, were left entirely destitute? He was ashamed for the honour of his country, that he was obliged to ask such a question, but he did so because he felt it impossible to argue a point so repugnant to common sense and to the feelings of mankind. And here their Lordships would perhaps allow him to quote the opinion of the late Earl of Eldon—a name which he could never pronounce without the utmost veneration—veneration for his profound learning, his spotless integrity, and his inestimable worth, and without expressing regret for his irreparable loss—that noble Lord had frequently expressed to him his opinion upon this subject, and in the presence of other noble Lords he had said—"This is the most infamous law which was ever enacted in a Christian country." These were sentiments which ought to be written, not only on the hearts of their Lordships, but also of the people of this country. He knew that his noble and venerable Friend, if it had pleased Providence to restore him to only a small portion of his former vigour of body, desired nothing more anxiously and earnestly than that he might be able once more to appear in that House, and with the authority which might attach to his name, to plead the cause of the poor, of the widow, and of the orphan. With respect also to the increase of crime, the noble Duke on the cross benches (the Duke of Richmond) had seemed to think it was limited to one division of the county of Sussex; but as far as his information extended, it was general throughout the country: and how could they wonder at the lamentable and alarming increase of crime, when they compared the new prisons with the former gaols of the country, which were used as terrors for restraining crime? They knew that, when crime was committed, the vengeance of the law fell with unsparing severity on the heads of the offenders; but on whom rested the real guilt, and the moral responsibility? Was it not on those who robbed the poor of their rights, and consigned them to utter destitution and despair? Such horror did the labourers feel of the workhouse, that one, a neighbour of his, had told him, that he considered a removal to one of them as "worse than death itself." He stated, that he had lost the house which he formerly occupied, and if another occupation had not been provided for him, he would have been removed to the Union workhouse; and he declared, that he had much rather they had knocked him on the head. Such was the terror which the prospect of the workhouse inspired the labourers with. The natural and necessary effect was, to induce the labourers to accept even the very minimum of wages that the stinginess or selfishness of the employer would allow him to offer. He had heard, and he believed, that cases had occurred in Cambridgeshire, where the labourers had agreed to accept, and endeavoured to subsist upon a half-a-crown a week. In other parts of the country they were selling, piecemeal, their furniture, in order to escape the terrors of the workhouse. In other cases, they subsisted upon charity, and in others by pilfering and depredation, and yet they were gravely told last night by a noble earl (the Earl of Devon) who was not now present, that the New Poor-law had exalted the character, and improved the condition of the labourer. He confessed he was grieved to hear such a sentiment from the lips of that noble Lord, representing, as he did, one of the most ancient and illustrious families in Europe. He would, with their Lordships' permission, give them a single specimen of the manner in which this New Poor-law had exalted the character, and improved the condition of the poor. He would state every particular of time, place, and circumstance; and, if required, the name of the witness who deposed to the fact. Manchester was the scene, the time was the 6th of February last, when a strange and monstrous spectacle was exhibited, of twenty-one men harnessed to a waggon full of potatoes. [Lord *Brougham*—was that under any special provision of the Poor-law Bill?] He did not pretend to say that it was under any special provision of the Act; but it occurred, and he hoped that the fact would receive the animadversion of the noble Duke on the cross benches (the Duke of Richmond), who, some years ago, during the existence of an administration to which he was politically hostile [the Duke of *Richmond*—"no"] well, which he was in the habit of opposing—or who, during the existence of no, or any, administration—for that was a matter quite indifferent to the argument—made certain strong observations, in the propriety of which he (Earl Stanhope) concurred, on the impropriety of scenes which took place in the county of Sussex, when labourers were seen drawing waggons laden with stones—[the Duke of *Richmond*; "That was under the Old Poor-law system!] He agreed with the noble Duke, that it was under the Old Poor-law system. Still the observation of the noble Duke was most just, and he remembered to have given the noble Duke his humble support on that occasion. The noble and learned Lord had asked, whether it was under any of the provisions of the law that this was done? It was not; for he had studied that law with considerable attention. No; it was by a law as much known to him as if it were a code enacted in the moon—it was by a peculiar order prescribed by the three despots of Somerset-house! [Lord *Brougham* "hear."] He was very glad that the noble and learned Lord did hear, for a worse despotism never existed; none of whose edicts were sanctioned by Parliament, or even by Government. It might have been supposed that this was a test of industry—a sort of mode by which to ascertain whether these labourers were willing to work. If it were so, still it would be a very improper, a very reprehensible course, inasmuch as it was calling upon human beings to perform the work of horses. But that was not the case. He had seen persons who had inquired into the reason of this most extraordinary occurrence of the men themselves, whose answer was in these words, "We are twenty-one labourers who came from beyond Delamere Forest, in Cheshire; we could get no work, and no relief, and we were hungry. The farmer, who is a very kind man, wanted to send some potatoes to Manchester, and he offered us two shillings a load if we would bring them here; we were thirty miles off, and we had no bread; and he let us have thirty-two loads, and we were very thankful." So that those twenty-one persons engaged for the sum of three shillings each to convey thirty-two waggon loads of potatoes for thirty miles, and for this, to the disgrace of the present state of the country, they added:—"we were very thankful." This, he hoped was a satisfactory proof of how much the character of the labourers had been exalted, and how much the condition of the labourers had been improved, and what great reason they had to be thankful for the change which this law had effected for them. Their Lordships all knew, that allegiance and protection are inseparable, and he would ask their Lordships whether, under such circumstances as he had described, they could expect that the labourers of this country would feel an attachment to its laws or institutions, or even feel a respect for property itself? On the contrary, whether their Lordships must not believe, that that discontent which was now known to be so general and so just, might assume a character that must threaten disorganisation to the state? The people might, in some parts of the country, appear submissive to this iniquitous law, but the feelings of resentment and revenge would still rankle in their minds, and, at no distant period, might fatally disturb the public peace. The time might come, when the people might cease to petition for relief from the oppression of this cruel enactment. He had lately learned with extreme sorrow, but not with surprise, that such a resolution had already been adopted in Lancashire. The people would next remonstrate and demand—nay, they might cease even to do the latter, and might possibly attempt to obtain by force, that which they were not able to gain by argument. It behoved their Lordships seriously to ask themselves (he would not venture to propound to them the question) how long they thought it possible that the people of this country would quietly submit to this pressure, and if the people did not submit, what were the calamities and convulsions which must inevitably ensue? He called upon their Lordships to respect, as they were bound to do, the rights of the labouring classes,—rights which were founded in the laws of God and Nature—rights which ought always to be held sacred—rights which were as dear and as valuable to them as the patents, by which their Lordships enjoyed their peerages, or the title deeds by which they obtained possession of their estates. Let them do this, and the rich would enjoy unmolested their wealth, and, what was of still more importance, they would repose in tranquillity and content. But if this were not done, the inevitable result, he stated it with great pain and sorrow, but with a firm and thorough conviction of its truth, the inevitable result would be a partition of property, which, when originally propounded by Spence, in the period of the first French revolution, was considered as a wild and frantic delusion, a chimera, but which was, at the present moment, defended by some political writers, and some political journals, and sanctioned by an expression in their Lordships' House—as he had been told, for he was not present when the opinion was delivered—by a noble and gallant Marquess, whom they had not lately seen, who declared, that if their Lordships passed the new poor-law, they would not only lose their estates, but would deserve to lose them. If their Lordships did not respect, as he most earnestly conjured them to do, the rights of the labouring classes—rights which were allowed to be theirs, by the statutes of Queen Elizabeth—they might lay what flattering unction to their souls they pleased, but they might be assured, that a revolution was at the very threshold of their doors; a revolution of the most formidable and tremendous nature; a revolution in which there would be no protection for property or life. It had thus been his painful duty, however feebly he might have done it, however ineffectual his humble admonitions might have been, it yet had been his painful duty thus to warn their Lordships—solemnly to warn them—of the consequences of their conduct—to warn them of the dangers with which they were threatened, in order that they might, before it was too late, avert them—consequences and dangers which would level to the ground all the existing institutions of the country, and introduce, in their stead, anarchy and ruin. He had received information from various parts of the country, respecting the disposition of the people and the feelings of the labourers, such as he did not think it prudent to promulgate or discuss in their Lordships' House; but this he would venture to say, in despite of all admonitions, that if their Lordships did not remove the grievances which the new Poor-law inflicted on the people, very serious consequences would inevitably ensue. He would now conclude his address to their Lordships, in the very impressive language and in the spirit in which a judge addressed himself to a culprit at the bar,—"May God send you a good deliverance!" The noble Earl then moved for "a statement of the petitions presented to this House, during the last Session of Parliament, on the subject of the act entitled, 'An Act for the amendment and better administration of the Laws relating to the Poor in England and Wales;' specifying the number of signatures to each; the description of the persons from whom each petition proceeded, whether owners and occupiers of land, rate-payers, inhabitants, guardians, or others, and whether they were or were not assembled at public meetings, held for the purpose of petitioning; the place or places from which each petition proceeded; and the prayer of each petition, whether for the repeal of the said act, or for its amendment, or for its continuance, or for what other purpose."

Lord *Brougham:* I really should not have risen thus early to have addressed your Lordships upon the present important occasion, but should rather have preferred leaving the task of following the noble Earl, either to her Majesty's Government, on whom, as falling within their general superintendence of the affairs of the country, and interested, also, as they are, in the execution of the new Poor-law, it would properly have devolved, or to my noble and much-valued Friend on the bench opposite, (the Duke of Richmond) who has from the very first, so honourably to himself, and so usefully to his country, devoted a large share of his valuable time, of his deep attention, and his active interference, to the superintendence of the Poor-law and to the details of its working. Or I should have been contented to leave—I hope I may be suffered to say it without offering the slightest disrespect to my noble Friend (Earl Stanhope)—I should have been contented to leave, perhaps, my noble Friend's speech, unanswered, to itself, as it were; sensible as I am that he has made no kind of case against the measure, nor brought any specific charge against those intrusted with its execution, or produced anything in the shape of facts, or even of accusation, or of specific assertion to be put to rest, or which might have called for an answer, or required an explanation; but that I had, a few nights back, pledged myself to answer a right rev. Prelate's more specific charges, and even my noble Friend's (Earl Stanhope's) more specific statements on former occasions. For, if he will forgive me for saying it, the method which he, from time to time has observed has evinced a more prudent and skilful selection of details, suiting them to the occasion, that is to say, when men were not prepared to meet them—not prepared to enter into specific matters of change, on the presentation of petitions, or on some other interlocutory occasion—than when men came forward on a specific notice of motion, and were prepared to meet, to repel, or to explain. Then, my noble Friend, wrapping himself up in generalities, shrouding himself in mere vagueness, giving nothing tangible for an adversary to lay hold of, states no single fact (except one to which I shall by and by advert) which it is possible to meet and repel. I did, on a former occasion, think it right to observe, that that was not the time for repelling the charges made against the bill, or against those to whom its working was intrusted, but I pledged myself, when the time came for discussing it, that I should be able to satisfy your Lordships that all those charges were groundless; that all those stories admitted, if not of instant refutation, at least of satisfactory explanation; and that, as the measure stood at first defensible upon the soundest principle, framed in the purest spirit of the constitution—framed from a deep regard for popular rights, conceived in the kindliest spirit, not towards the landowners, whose estates were holden by those titles to which my noble Friend referred, and of which in passing, let me just say, he used, unconsciously perhaps, but most accurately, the expression, the title-deeds by which your Lordships claim to hold your estates, for under the old system (of the Poor-laws) it would have been a claim, but a claim very soon severed from the possession—but it was not in a spirit of kindness towards the holders of those estates, either in this House or in the other House of Parliament, or towards the Aristocracy or any other rank in society possessing property, that that measure was conceived. But it was—and I can speak it with confidence, for I know it from my own intimate and accurate recollection of the fact—conceived in a spirit, and in that spirit alone, of the kindliest sympathy and fellow-feeling for the distresses of the poor themselves. My Lords, what was the history of that measure? Ever since I entered into public life, I had been one of those (far wiser and better men in every way—men of far more influence in Parliament and in the country) who had lamented the state of gross ignorance in which the poor and working classes of this land had so long been held. We had endeavoured to improve them in many important respects. We had attempted, by planting schools, by improving the mode of instruction, and by various other means, to bring education correctly, morally, and religiously within their reach, and so improve in that particular the lot of the labouring classes; but we found all our efforts were vain—we found every attempt to better their condition worse than useless—we found it even doubted by many, who were nevertheless as warm friends of the poorer classes as ourselves, whether more harm than good was not done to the morals and comforts of the people by all the efforts we thus were making to better their condition. We were met at every turn by the Poor-law; we were met by the deplorably demoralising effects of the abominable system which had grown up—I will not say, for I wish to avoid all debateable or controvertible matter—I will not say, therefore, which had grown up under the 43rd of Elizabeth, passed in consequence of the destruction of the monasteries—I will say nothing of the original faults of that Act, or its liability to abuse from the provisions which existed in it—I will not say one word as to the possibility of that law continuing to work in the progress of society, in its provisions being adapted to the rapid acceleration and extension of wealth, and the increase of population—I will not speak of the possibility, in the changes incident to the natural progress of society, of the possessors of that wealth becoming the victims, and the poor themselves the martyrs, of the abuses of that original Act of Elizabeth. All that I pass by; it is controvertible matter; it is debateable ground. All I say is, that a system of abuse had arisen and taken the place of the original system; that were it once as pure as if angels had devised it, it had become tainted, and was from beginning to end a system debasing to one class of society, and hardening the hearts as well as injuring the comforts of the rest. Such (continued the noble and learned Lord) was the system under the old law; and to the consequences of that system attention was necessarily directed. He joined with those who, in the years 1817 and 1818, soon after the Education Committee first sat in the other House of Parliament, anxiously turned their attention to the defects and to the administration of the Poor-laws. Attempts were made to inquire into and illustrate the working of the system, with a view to do whatever might be done towards the establishing of some plan for the removing the abuses of that system; retaining what was good in it, and eradicating what was evil. The Education Committee made some valuable reports, containing very important information; but it was not until the beginning of the year 1832, that a proposition for inquiry founded on that information was acceded to; "a proposition," exclaimed the noble and learned Lord, "framed solely, and assented to, solely with this view,—so help me God! I cannot be mistaken; the impression is deep, it is everlasting in my mind!—with the view, and with the view only, of benefiting the poor." With that view, we agreed to that inquiry; with that view to guide us, that inquiry we prosecuted; with that view still for our guide, we framed the provisions of the new act; relying upon the result of that act, and still influenced, and only influenced by that view, we carried the measure through Parliament. If, then, we have failed—if, instead of benefiting the poor, it has become their oppression—if it has been a measure to grind their faces, as we now hear described—a measure to inflict misery upon them—to almost and all but excite them to rebellion against us—if they are so incomparably worse off now than under the old system, the predecessor of our measure, I admit, fully and frankly, that great and mighty indeed has been our failure; for we have failed, utterly failed, in attaining the only object which our legislative and administrative labours had intended. But, my Lords, I am not conscious of our having failed, when I know that the effects of the act have been to make the labourers more independent. I am not to be driven from the hopes I originally entertained; first, from the confidence I feel in knowing that we have not failed; and next, from the most sanguine hope I entertain that our success will be gradually great, and the more consolatory from the difficulties we have had to encounter, merely by big words, whether used in petition, or in county popular meetings, or in speeches in your Lordships' House; or by large expressions of extensive application, and epithets not always very respectfully, or very felicitously, or very curiously selected, any more than they were very sparingly or economically applied; but I am not, by all the excitement of vituperation, or by all the terror of declamatory sentences, to be told, and, therefore, because told, and told without any proof whatever to support the proposition, to believe, that this measure has been a complete failure; and that although we meant it for the benefit of the poor, and for raising their characters, and increasing their comforts, yet they were, in all these respects, worse off now than they were before the measure was passed. If (continued the noble and learned Lord) he were to follow his noble Friend through the speech he had delivered, he should have to deal with somewhere about half of it, which might just as well have been the preamble of a speech upon any other subject, as of a speech upon the new Poor-law Amendment Bill. It reminded him of the introduction to Sallust's two histories, the one being an account of a very limited nature—about a six weeks' conspiracy—and the other an account of two months' war, and yet the three introductory chapters to those histories were actually such as might have been the preface to any one work of any one history that any man might have taken it into his head to write. The introductory part of his noble Friend's speech was much like the generality of Sallust's preface. Then came his noble Friend to matters of more immediate notice. His noble Friend began by telling their Lordships that, instead of to-night, when he (Lord Brougham) really had flattered himself that he was to meet with some grave charge against the Bill itself, or with some specific facts alleged against the Commissioners, which would be required to be answered or explained away; allegations against those Commissioners whose duties were not, he conceived, likely to be much facilitated by such discussions as the noble Earl was fond to indulge in, any more than these discussions were likely to have a tendency to facilitate the working of this measure, by making persons in the country lend their hands to the discharge of so delicate, important, very difficult, and arduous a task; but instead of to-night bringing charges against the bill, or against those who had to work it, his noble Friend had referred him to some indefinite period of time yet to come; and he now found, that the speech of his noble Friend was not that definite charge against the measure, nor was it that description of charge and specification of facts against the Commissioners which he stood prepared to meet, but that it was only the first of a series of discourses—a kind of lecture which his noble Friend had founded, and that he was to be the lecturer as well as founder; and that this discourse only consisted of mere introductory matter. Now was not this rather hard, and had he (Lord Brougham) not a right to complain of the course taken by his noble Friend; because he was now in this dilemma—if he kept his seat, and if his example were followed by those noble Lords who entertained the same opinions with himself upon the subject of the Poor-law Amendment Bill, what would happen? It would instantly be triumphantly proclaimed all over the country by the various channels through which those who were discontented with the operations of this act, disseminated their denunciations; and for the next two months it would be said, that "a most important and convincing, and (as the phrase would be) we have a right to say, a wholly unanswerable statement was brought forward by the noble Earl, who was always known to be the true friend of the poor man, and who demonstrated to the utmost satisfaction of all who heard him, and to the utter silence of all the servile friends of oppression, that all the charges alleged against this infamous new Poor-law Bill were none less than true, nor more than proved." He was, therefore, bound to stand up and meet the most difficult of all tasks—meet a set of vague generalities by specific answers. Now, first of all, his noble Friend repeated the thousand times refuted assertion of the unconstitutional powers given by this bill—of the dictatorial office of the Commissioners, who were sometimes called the three kings, sometimes the three dictators, as if kings were not tyrannical enough—sometimes three despots, in plain terms tyrants—men who cared nothing for the sufferings of the poor, or, at least, whose feelings were in the wrong direction, being on behalf of the rich, and who ground the poor man's face. Again, they were designated as "secret tyrants," whose code of laws no man could discover, for they had not promulgated it. The noble Earl went so far, indeed, as to say, that the Poor-law was an illegal act. He had no doubt his noble Friend was correct, though he did not understand him. He understood what a bad Act was, what a cruel Act was, he understood what an oppressive Act was, he knew of many, he opposed many; some he had resisted successfully, others he had failed in resisting; he always understood what was meant by them; he also understood what an unconstitutional Act means—it means an Act contrary to the general spirit of other Acts; but an illegal Act passed his comprehension altogether, because at all events it was law; legal it must be; it might be bad law, but still it was law—nay, the very complaint of his noble Friend was, that it was law; if it were not law his noble Friend would have nothing to complain of. How then it could be illegal he could not understand. He had heard nothing from his noble Friend to help him over that difficulty. The right rev. Prelate whom he did not see present (the Bishop of Exeter), complained of its being a law that was unconstitutional, and that gave arbitrary powers to certain functionaries whom it called into existence and armed with those powers. Now it was true that he had on a former occasion accepted the challenge of that right rev. Prelate, and made a sort of assignation with him; at least, he certainly intimated to the right rev. Prelate that he should be here, and he had hoped that the right rev. Prelate, who had always taken a prominent part in these discussions, and who had levelled the charge against the Bill of conferring unconstitutional and tyrannical powers, would have been present also. He had pledged himself to show, that the Bill had not gone further than many former Acts, that it had not gone nearly so far as some Acts had gone, and that all those powers which it gave were constitutional, were consistent with the spirit of our laws, and were as little liable to be abused as any human laws could be, the execution of which must needs be intrusted to human hands; laws, the legislation of fallible beings, by fallible beings to be carried into effect. He was in his place to redeem that pledge, and he had found one, and only one, of his antagonists, his noble Friend before him. Of his noble Friend's candour he was well satisfied; of his good intentions he was equally well aware. He charged the noble Earl with no impropriety of conduct—he knew the noble Earl's good intentions—he knew that the noble Earl had brought the subject forward out of the honesty of his heart, and with the most perfect good will towards the working classes. If, as in his (Lord Brougham's) opinion they undoubtedly were, the noble Earl's views upon the question were the most incorrect, the most strangely erroneous, the most perversely wrong, the error was in no way attributable to the noble Earl's heart—it was simply an error of the head. That was the only kind of being in the wrong that he attributed to the noble Earl—the noble Earl's intentions were beyond all suspicions. Strong as the noble Earl's views were upon the subject, he thought he should be able to satisfy him, that under the operation of the New Poor-law Bill there had been no exercise of dictatorial power, no tyranny, no oppression; and further, that there was nothing extraordinary or unconstitutional in the powers conferred by the Act any more than there was anything extraordinary or unconstitutional in the exercise of those powers. Take, in the first instance, the amount of patronage given by the new law. Was there anything novel, anything extraordinary, anything unconstitutional, or, to use the noble Earl's own phrase, anything illegal, either in the amount of the patronage or the manner in which it was to be bestowed? Act after Act might already be found upon the Statute-book wherein the amount of patronage was infinitely greater, and the control over the exercise of it infinitely less. Act after Act might be found in which fifty different offices, fifty different powers were given to bodies of Commissioners whose authority was absolute, and whose rule extended to things general as well as local—to counties as well as parishes—to elections as well as vestry meetings. Then, as to the appointment of the commissioners. Was it to be objected to the commissioners under this Act, that they were appointed for too long or too indefinite a term? Act after act might be found in which commissioners vested with infinitely greater and with wholly irresponsible powers were appointed for life. There were the parochial Acts of St. Andrew, Holborn, of St. Pancras, of St. Leonard, Shoreditch; all these Acts, applied to extensive and very populous districts of the metropolis, gave to the commissioners appointed under them very large powers, much patronage, great authority, important duties, extensive and valuable influence:—for how long were they appointed? Every one of the commissioners appointed under those Acts were appointed for and during the term of their natural lives. Was that the case with the commissioners appointed under the New Poor-law Act? No; instead of being appointed for life they were appointed only for five years, and now at the end of a short time the present commissioners' period of service would expire; and their re-appointment or the appointment of their successors must depend entirely upon the will and the judgment of the responsible Advisers of the Crown. So that anything less independent of the control of the ministry—less independent of Parliament—less independent of the country than these commissioners were by the tenure of their office he was utterly incapable of imagining. But then many complaints had been heard, much strength of language had been employed, a world of declamation had been poured forth, in condemnation of the extraordinary, unconstitutional, and most unheard-of, powers vested in the central board of commissioners. The leading object of the Act—the fundamental principles upon which it was based—was this: its framers said to themselves, "It is necessary to simplify the management of the poor—it is necessary to reduce the management generally throughout the country to something more of a system — it is necessary, therefore, that some useful, wholesome, and incontestably sound, principles should be adopted, which shall possess as general and as pervading an influence as we can possibly give; but it is also necessary, that in different situations these principles in application should be adapted to local peculiarities." What did the Act do towards the attainment of that end? In the first place, it directed the appointment of one general Board of Commissioners, composed of men for whose appointment the Ministry were responsible, and for whose conduct they would be answerable to the Crown and to Parliament; and in the second place, it authorized the appointment of local boards of guardians, composed of men not appointed by the Crown, not selected by the Ministry, but chosen by the persons most immediately interested in the due and proper management of the local funds, namely, the rate-payers of the district over which the guardians were to preside. By this means a direct and powerful control was at once given to the parties most deeply interested over the local authorities, by whom the provisions of the Act were to be carried into effect, as related to the management and relief of the poor, whilst a superintending and supervising power as to the due observance of the general principles of the Act was left to the Central Board of Commissioners. The rules that were found to succeed in one place were, by the influence of the Central Board, extended to others; but it did not follow that they were in every instance arbitrarily adopted. They might be modified—indeed it was the duty of the local authorities, of the Board of Guardians, so to modify them as to render them easily applicable to the local diversities and different circumstances of the district in which they were to be applied. He thought that no system ever devised by the wit of man was less deserving of the charge of being dictatorial, unconstitutional, despotic, tyrannical, or oppressive. Independent of the Ministerial responsibility to the Crown and to Parliament for the appointment of the Central Board of Commissioners—independent of the check which the rate-payers had it always in their power to put upon the local Boards of Guardians—it was to be remembered that the proceedings of both, of the Board of Commissioners, as well as of the Board of Guardians, were also liable to the further control of public discussions, that great safeguard of our liberties, that great preventive against all abuses. And in no part of the country had this right of public discussion, as applied to the administration of the new Poor-law, been sparingly applied. Meetings had been held in every direction, and no act spared, no misrepresentation withheld, no clamour suppressed, that could tend to mislead and inflame the public mind upon this important subject. Did he complain of this? No. These public meetings, these public discussions had been most ample, most frequent; therefore, if there had been, on the part of the Commissioners sitting at Somerset-house, or on the part of the Boards of Guardians administering the law in any part of the country, or on the part of the assistant-commissioners, or of the relieving officers from the Land's-end to John-O'Groat's house, any tendency to abuse the powers with which any one of them were vested, it would have been trumpeted forth in the newspapers, proclaimed at public meetings, and in that and in the other House of Parliament have been made the ground, not of a motion for papers specifying the number of petitions which had been presented upon the subject—which now appeared to be all that the noble Earl (in this respect resembling the mountain in labour) intended to move for—but the ground of a straightforward, intelligible, constitutional, and legal mode of proceeding—the ground of a motion for the appointment of a Committee to consider of the operation of the Poor-law Act; and to examine upon oath the witnessess who came to speak to specific charges. That no specific cases of abuse could be proved, or even produced, he was, perhaps, not entitled absolutely to assert; but this, at least, he might be allowed to remark, that it would have been much more creditable to those in that House who opposed the measure if they had brought forward some specific cases, instead of dealing only in vague generalities; and that it would have been infinitely more creditable to those who had ventured out of doors, where they could not be met by the defenders of the measure, not to have produced cases which had been adventured upon, and which, as often as ventured upon, were found, when they came to be sifted, to be utterly destitute of foundation—were found without one single exception to crumble into dust the moment an investigation was set on foot. Before he came to any of the cases which had been so mentioned and so proved to be groundless—for, though the noble Earl had not much adverted to them, they had been made the subject of common talk and constant comment for some time past in places where it was impossible for the friends of the measure to meet them and put them down—before he came to these cases, for he should feel it his duty to advert to some of them, he wished to offer a very few observations in reference to the charges which had been made against the act itself. He felt justified in taking that course, because they, the friends of the measure, had been placed, not upon a fair trial, but been made subject to all manner of attack and misrepresentation for months and months past. He availed himself, therefore, of the present as the fittest and most convenient opportunity that had been afforded of showing the utter groundlessness of the thousand-and-one charges that had been brought not only against the Act itself, but against all those by whom it was supported and defended. First, as to the unprecedented nature of the powers conferred by the Act, he undertook to show, that infinitely greater powers had been conferred by other Acts. He would mention to their Lordships an Act giving infinitely greater powers, not to a known, respectable, and highly responsible body of three commissioners, the limited number increasing the responsibility of each; not to men every one of whose acts must be canvassed; not to men whose word was concealed, being done in the dark and in a corner; not to men whose conduct was known to all the country, not limited to a particular parish in a particular district, but known to all the world, and canvassed by all mankind; not to men subject to Parliament, and under the superintendence of the responsible advisers of the Crown—but to twenty-five men in the one class, and twenty-five other men in another class; all of whom were subject to no other control nor responsible to any higher authority than their own will and pleasure. Such were the powers given by the parochial Act of St. Leonard's, Shoreditch. Under that Act the Commissioners, responsible to no one but themselves, had the power of framing diet tables for the workhouse, and of refusing relief out of the workhouse; powers which, in the New Poor-law Act, were described as novel, unheard of, tyrannical, despotic, oppressive, and wholly unprecedented in the laws or usages of England. Then there was the Oxford Act, under which the guardians and other officers were obliged to serve or to suffer certain penalties. Suppose such a provision to have been made in the New Poor-law Act, what would have been said? Would not men have exclaimed, "Was ever anything like this tyranny! here are we, who abhor and detest your measure, obliged, under heavy penalties, to join with you in the exercise of powers which we hold to be despotic and tyrannical, as well as unconstitutional and (as the noble Earl said) illegal." But there was no such arbitrary enactment in the Poor-law Bill. Under the Oxford Act the Commissioners or the guardians were empowered to take up all disorderly persons and beggars. Now beggary was said to be poverty; and, says the noble Earl, poverty by the law of England has never yet been treated as a crime. Then, adverting to the Poor-law Bill as discovering, as the noble Earl thinks, a new and previously unknown principle in the laws of this country, he exclaims, "What! was there ever anything like this? was there ever anything so monstrous, so tyrannical as this? Why, under the provisions of this Act, poverty, for the first time in England, is treated like crime." But the noble Earl is mistaken; for, "Oh," says the Oxford Act, "if beggars should be found they are to be kept at work till they have reimbursed the union; which, if they cannot do, they may be kept to hard work in the House of Correction for thirty days." Now, as to the punishment of thirty days' imprisonment much perhaps need not be said; that may be thought moderate enough, but during the period of imprisonment, the Oxford Act directs that "they be three times whipped." Now, however, it is an unheard of thing that the Poor-law Commissioners should say to a man, "You are able-bodied, go and work, or if you cannot get work, come and take the pot luck (as it were) of the workhouse," being as much as to say, "Come and be comfortably lodged, and comfortably clothed, and take for your diet that which our table affords." This is unparalleled and unheard of; but says the Oxford Act—which, as your Lordships will perceive, is infinitely more tender, infinitely more merciful and benevolent in its provisions—"if any man shall beg, being poor, he shall be taken up and compelled to work to reimburse the union; and if he cannot work, then he shall be imprisoned thirty days, and during that time be three times whipped, once every ten days." Is this all, my Lords? Is there no other power given under he Oxford Act by which the workhouse may be supplied? Yes, there is a power unknown to our Act, unheard of in our days—a power of search. A power to search for the unhappy, the wretched, and the unfortunate, and to tear them off to the workhouse without ceremony and without inquiry, as if they were criminals—a power given in no instance except for the arrest of persons guilty of deep crime or of contempt of court, which is *quasi* a crime—a power to break open the outer door of the dwellings of the poor, and to compel such as were found within them to go to the workhouse, whether they liked it or not. That is not all. I remember very well the late Sir James Graham, for many years the Member for Carlisle, and who, on account of his great knowledge of the business of Parliament, introduced perhaps more private Bills than any other man—I remember very well his bringing in the LincolnshirePoor-law Bill. I remember, too, that Sir Samuel Romilly, having at the moment, I suppose, nothing else to do, but unwilling, like all great men, to leave a moment unemployed—I remember that Sir Samuel Romilly, having, perhaps by accident taken up the Act, came forward to oppose it, having discovered, as he said, that it gave a power of whipping? How was that objection met? Was any wonder expressed? any indignation manifested? Not at all. "Oh," said the supporters of the Bill, "this power of whipping is the commonest thing in the world; there is nothing to be alarmed at in that; we can show you precedents;" and in a trice they produced half a dozen Acts in all of which the overseers were empowered to whip the poor. In short, it was considered the greatest possible prudery on the part of Sir Samuel Romilly to raise any objection to so very reasonable and so very common an exercise of authority. I only mention this to show your Lordships that when people talk of the tyrannical, despotic, oppressive, and unprecedented powers conferred by the new Act for the amendment of the Poor-law, there is nothing in that Act contained from the first line to the last word of it, that can compare with the severities of preceding measures. As a further illustration of this point I may refer to what has taken place in some places under Gilbert's Act, which, as your Lordships will remember, was passed in 1782. Mr. Hawley, one of the Poor-law Commissioners, upon visiting the workhouse of one of the unions formed under that Act, was struck by hearing the clank of chains in one of the inner courts, and upon arriving at that part of the establishment, he actually found persons pacing about the court, manacled, and having fetters about their ancles. Expressing his astonishment, and inquiring the cause of this, the master of the workhouse coolly replied, "We find it necessary; it is impossible in any other way to prevent them breaking bounds and running away." All this is in evidence--in evidence that has been printed, and to which I would direct your Lordships' attention, but which I will not now trouble you by reading at length. But your Lordships will observe that these things cannot be done under the present law; that these things are not done under the present law; or, if done, that they are illegal, though the law itself is not illegal. You will observe that these things are now prohibited, and if committed are most severely punishable. I think I have now redeemed my pledge when I told your Lordships I would show that the powers conferred by this Act were not unprecedented, and that they were not more tyrannical, more despotic, or more oppressive than the powers which, under other Acts, had existed long before. If it were necessary, I could enter into a multitude of details in further illustration of this point, but I think I have stated enough to convince your Lordships that the measure is not so terribly despotic as it has been represented to be, and that it does not deal with the poor with half the severity that other Acts have done. I say that this Act, from the beginning to the end, confers not one harsh, not one cruel, not one oppressive or despotic power, either upon the Commissioners or the Assistant-commissioners, upon the board of guardians or the relieving officers. Then, my noble Friend dwells at length upon the great hardship of there being no out-door relief. My Lords, there is not a more ordinary, but there is not at the same time a more inexcusable, misrepresentation than that of the total refusal of out-door relief. I assert, that the Act does not prohibit out-door relief. Further, I affirm, that the Commissioners have never prohibited out-door relief. I venture to assert, and I challenge contradiction to the assertion, that all the boards of guardians, all the Assistant-commissioners, all the relieving officers have allowed, do continue to allow, and must if they act up to the provisions of the statute, continue freely to allow out-door relief. One sort of out-door relief, I admit they do not allow as a general rule; but even to that there are exceptions. Able-bodied workmen, men who could work if there were work for them to do, and in ninety-nine cases out of a hundred, the fact always turns out that there is work to be had if the men choose to ask for it,—but "those who seek not, neither shall they find;" these men, I admit, are refused out-door relief; but they are offered the relief of the workhouse if they choose to enter it. But the aged,—and here I complain, as I have just reason to do, of the gross and fraudulent misrepresentations, misrepresentations amounting to falsehood and utter fabrications, which I have seen, and seen with amazement, of the conduct of the Commissioners, the boards of guardians, and the relieving officers, with respect to the treatment of the aged and infirm poor. I have seen it stated that they will not give to the aged out-door relief, but compel them in every instance to come into the workhouse. That statement is utterly unfounded, utterly untrue. If persons be infirm, be it from disease or natural malformation, or incapacity, bodily or mental, or from the advance of years and the decrepitude of old age, they receive under this Act out-door relief; aye, and receive it more certainly than if the Act had not been passed. In some cases the relief administered under the Act has gone even further; for so great has been the desire of the Commissioners and of the board of guardians not to hold too tight the power of refusing out-door relief, that when an able-bodied man has been in some such situation as this—say a healthy man of five-and-thirty years, but burdened with two or three children who are labouring under some natural infirmity, such as deafness, dumbness, or blindness—in such cases the Commissioners have acted upon what may be regarded as the equitable construction of the word "infirm" as employed in the act, and have given to such persons, though able-bodied and not aged, out-door relief in consideration of the infirmity of their family. Then have I not a right to complain of the statements that have been made?—have I not a right to ask whether a misrepresentation more gross or more foul could possibly be fancied—could possibly be conjured up in the imagination of any man than that out-door relief was never given, and that the aged and infirm were compelled to betake themselves to the workhouse. I have hitherto passed over the subject of medical relief, because my noble Friend says, he shall reserve it for the next head of his series of lectures. I therefore, will pass it over also, only observing by the way—and the observation applies to the whole subject of the medical relief administered under the Act—that I have not observed the complaints upon this head to come from the poor themselves, but from the medical men who are required to attend them. The medical men certainly appear to be very sensitive upon the subject, infinitely more sensitive than their patients; for it will be found from those who have inquired, or from those who have been engaged in administering the Act, that the medical assistance now afforded, is infinitely better, infinitely more certain, and infinitely more regular, than it was previous to the passing of the new law. It is that, indeed, that the medical men complain of. They can no longer draw their money for doing nothing.

Under the operation of the existing law, they must work for their pay; therefore, they say, "the pay is too little, and the work too much." However that may be, certain it is, that since the new law has come into force, more has been accomplished in the way of affording medical relief to the poor than was ever done under the old system. Allowances, large and liberal, have always, I am happy to say, been made by the boards of guardians, with the entire approval of the Commissioners, both assistant and central, in cases where weakness or infirmity have required the substitution of better food. In all such cases, a generous diet (to use the medical phrase) has been allowed, meat far beyond the ordinary rules of diet, has been given, and in many unions, wine to a very large extent has been administered. Here only, let us pause for a moment to ask whether it be fair that those who have so exerted themselves, who, under the guidance of such kindly feelings towards their poorer fellow creatures, have shown themselves so little regardful of expense or cost—whether it be fair to them to reiterate day after day the cry of their starving, grinding, oppressing, and imprisoning the poor, and of withholding from them all those medical comforts which (above all things) under the old system they had enjoyed. Is this fair when it is found that under the new law the poor have incontestably more of medical comfort, that larger sums by a great deal are expended upon them, that better and more regular attendance is secured to them, and that in no one single instance has a case been specified in which there has been any defect in the medical attendance in any one workhouse, in any one union throughout the country. I will not pursue this point further, but allow me to ask whether the tone which has been adopted by some men upon this and other subjects connected with the new law is a wholesome or a proper tone—is it a tone that can in any way tend to improve the condition of the people, or to place them in a better situation? Does it tend to reconcile men's minds to a law to say that that law is a bad law, an unconstitutional law, a law which (to use the phrase employed by the noble Earl) did not deserve to be called a law? Why, then, did you not bring in a bill to have it repealed? Instead of night after night coming down here with charges which you will not specify, or attacks upon individuals whom you will not name—instead of coming forward with statements of abuses in places which you will not venture to point out, not even so far as to mention the county in which they might be found—instead of doing this, why did you not come forward boldly and manfully, and demand the total repeal of the whole measure? But you have shrunk from that plain, intelligible, and manly course; night after night you have put forward your unsupported statements—night after night you have endeavoured to excite a prejudice against the act and against those by whom it has been administered; but now when the hour of trial is come—when those whom you have attacked, in doors and out of doors, in your daily journals, in your occasional publications, in your public meetings and your declamatory speeches for the last six months—when these men come forward to meet the charges you have brought against them in places and at times when it was impossible for them to reply—when these men enter the arena and defy you to the proof, then you wrap yourselves up in vague generalities, talking at random of Mr. Pitt—of the "pilot that weathered the storm," ballasting the ship, by the by, with 500,000,000*l.* of debt, without which valuable ballast the poor would have found better employment; when the hour of trial comes you wrap yourselves up in these fruitless, vain, inapplicable generalities, and leave us to guess, to beat the wind, and to conjecture in the best way we can, what the charge is upon which, without being tried, we have been condemned in the face of the whole country. The noble Earl is not the only person who has done these things; but he, I am bound to say, pure as his motives may be, holds a very high place amongst those who in Parliament have assisted, encouraged, backed, and comforted, the evil-doers out of doors. I have said, that wherever a charge has been made, if it were specific it has generally been refuted; certainly in every instance an immediate investigation has been undertaken and great readiness manifested to ascertain the correctness of every particular of the charge. I will give your Lordships a sample of the candour and fairness with which the Commissioners have demeaned themselves; and of the readiness and promptitude with which they have challenged investigation wherever an instance of abuse has been referred to. A reverend gentleman, whom I will name if any body wishes me to do so, though the circumstances I am about to mention redound so little to his credit that I think your Lordships would rather his name should be kept back—a reverend gentleman, a minister, as I understand, of the established church, was addressed by the Commissioners on the 11th of February, 1837, in consequence of his having stated in a letter to which his name was attached, a melancholy story of the excessive cruel treatment of a poor cripple and his mother in an union workhouse. Mr. Chadwick, the very able and intelligent secretary to the Commissioners, addressed a letter to the reverend gentleman in consequence of that statement, requesting to be informed of the workhouse in which the alleged mal-treatment had occurred, and giving an assurance that the fullest investigation should be made. All that Mr. Chadwick entreated was, that the reverend gentleman would state where he got his information, what the name of the parties were, and in what part of the kingdom the circumstance had occurred. No reply was condescended to be given to that most reasonable request. This information I had direct from the board of Commissioners.

Earl *Stanhope* thought, perhaps, he might save the noble and learned Lord some trouble by stating that an answer had been given to that letter. He could show the noble and learned Lord the reply in print.

Lord *Brougham:* No direct reply was sent to the Commissioners. These are the Commissioners own words, "the Commissioners received no reply to the said letter." [*Earl Stanhope:* But a reply has been printed.] If so, it must be a reply which was never sent directly to the Commissioners, for the Commissioners complain that no answer was sent to them. But I go to another case. A gallant Officer had stated some very gross cases of misconduct and abuse as having happened in the Bourn union, of which the gallant Officer, being chairman of the bench of magistrates and also of the quarter sessions, was *ex-officio* one of the guardians. When serious statements were made from such a quarter, it was very natural for the guardians to feel alarmed at them. They accordingly wrote a letter to the gallant Officer, begging of him in very civil terms to enter a little into particulars. The letter ran in these terms:—

> "I have the honour to address you, by direction of the board of guardians of this union, requesting you will furnish me, for their information, with the names and parishes of the parties whose cases you are reported to have brought before the public, at a meeting lately held at the Crown and Anchor Tavern, London, as the board are led to infer, from the whole tenour of the published report, that the cases referred to are supposed to have occurred in this union. I am further directed to inform you, that it is the anxious wish of the board to furnish, on their part, every explanation on this or any similar occasion."

The answer was this:—

> "I beg to acknowledge the receipt of your letter of the 22nd instant, but I must decline giving any answer to the inquiry of the board of guardians at Bourn. I feel there would be no end to this subject if I was to enter into explanation with every board of guardians to whom I may allude when expressing my dislike of the New Poor-law. At the same time, I thank those at Bourn for the offer of explanation on their part, which I will avail myself of, when I see occasion."

So that the logic of the gallant Officer was this:—"I charge a board of guardians, to which I belong myself, of which *ex officio* I am a permanent member; they write to me for particulars, and express a desire to enter into an investigation of the matter; I receive their letter, and I say, 'Oh, it would be an endless job if I were to enter into an explanation with every board of guardians to whom I may allude when expressing my dislike to the New Poor-law Bill.'" Such was the logic of the gallant Officer, totally forgetting that the circumstances under which he had been called upon to explain by the Bourn board of guardians were entirely different from any others that could possibly occur in which he was himself concerned, because the circumstances were these:—The gallant Officer had impugned the conduct of a board of guardians near to whom he lived. Now, he could not live near to every board of guardians. Again; he had impugned the conduct of a board of guardians of which he was himself *ex officio* a member, being the chairman of the bench of magistrates and of the quarter sessions. Now, he could not be chairman of the bench of magistrates and of the quarter sessions of every district in the country and community—could not be *ex officio* a member of the board of guardians in every union in the country. Therefore, what mischief or inconvenience he could sustain from answering the letter of the Bourn board of guardians, where the whole matter would have begun and ended, I confess I am utterly at a loss to understand. I might mention many other cases in which there has been a similar reluctance to enter into particulars; but I confine myself to a few. There is one case, however, to which I must allude, which has been especially mentioned—mentioned in very strong terms, and it was, no doubt, of a very touching nature. It was published in a newspaper, and the editor of the newspaper said he had it from a very old and valuable correspondent, who had never deceived him before. As soon as the publication appeared, a letter was addressed to the editor requesting that this old and valuable correspondent might be made known, as there was no truth whatever in the statement he had made. The editor declined to do this, but said he would make inquiry of his correspondent, and a few days afterwards a very civil answer appeared, couched in something like these terms:—"Our old and valuable correspondent, who never deceived us before, being unable or unwilling to substantiate his charge, we have no objection to make the *amende honorable*, and to publish a contradiction of the charge." Very well; but how did they do it? The original charge was headed, "Horrible Atrocity," and was printed throughout in a large type, and placed in a prominent part of the newspaper. Not so the contradiction. That, modestly, retiringly, like a sensitive plant shrinking from the touch, fled into a remote, obscure, humble, sequestered corner, and there by the fair river of print that traversed all the margin-valley, there it lingered unheeded, unseen, and wasting on desert air that sweetness of truth which for the first time it introduced upon the subject. In the month of July last, a gentleman very well known in Yorkshire, paraded a letter in the newspapers, in which some strong assertions were made with respect to the working of the New Poor-law Bill. The editor of the newspaper had no blame in this, except that he might have inquired a little more accurately as to the means of information possessed by his correspondent. The statement published in the newspapers on the 11th of July last, was in these terms:—

"A clergyman, a neighbour of mine, told me the other day, that two friends of his from Cambridge had told him the following anecdote: At a union workhouse in that neighbourhood, a labourer, his wife, and children, had been confined; they were, as a matter of course, separated. The poor fellow was at last tired out; he was 'tested,' as the Duke of Richmond would term it."

I dare say my noble Friend never made use of such an expression. But the statement continues:—

"At length he thought he had better be half-starved at liberty than half-starved in prison. He gave notice to the govern r that he, his wife, and children would leave, and that he would try to obtain work. The governor said, 'You cannot take your wife out, you and your children may go.'—'Not take my wife!' exclaimed the poor man, why not?' —'We buried her three weeks ago,' replied the gaoler."

Now he must say, (the noble and learned Lord continued,) that a more shocking story than that, if it were true, could not possibly be brought under the consideration of the public. But, in the first place, it was not very likely that a man confined in the same workhouse with his wife, and separated from her only during the night, should be ignorant of her death three weeks after it had occurred; but the fact was that the statement was not true. However, it had the effect of causing an immediate inquiry to be made, and the result of the inquiry was, in every respect, similar to that which had been obtained in every other instance, where similar statements and similar charges had been made. In reply to an interruption from the Earl of Radnor, the noble and learned Lord stated, that he was alluding to a statement which had been put forward by Mr. Oastler, the gentleman who had contested the representation of Huddersfield, and who, though mistaken upon the subject of the Poor-law bill, he believed, at heart, to be an exceedingly humane, and benevolent man. The inquiry in this instance, as in all the previous instances, ended in the Commissioners being referred from one person to another, and from one place to another, until at last it turned out that the circumstance complained of had not taken place either in the county of Cambridge or its neighbourhood. The Commissioners reported to Lord John Russell that all the answer which they had been able to receive was, "the report was originally communicated to some friends of a gentleman at Huddersfield, named Kettlewell, by a person in Lepton, near Hudderfield, who, being further questioned, says, he heard it from his brother, to whom it had been related by a pauper, who said he had been in the same house, but whose name and abode he confessed he did not know." So that there was a statement made to one person by another person, not named, who had it from his brother, not named, to whom it had been told by a pauper, whose name and abode were not known. Certainly, very satisfactory authority. And on such authority had the new Poor-law been condemned! The fact was, that there was not a word of truth in all the statements which had been made against the measure; there was not a shadow of evidence in support of those statements. Undoubtedly, there was no lack of assertion; there was no deficiency of vituperation. There was no lack of censure, of reprehension of the system, and of those by whom it was conducted; ay, of vehement, furious, blood-thirsty censure and reprehension; and that, not by laymen, but by ministers of the gospel of peace. He was persuaded that he should petrify their Lordships by that which he was about to state. It was difficult to believe, that any being in a human form, could utter such sentiments in such language as had been uttered by a clergyman, not of the Church of England, certainly, but by a clergyman, the rev. Mr. Stephens, at a meeting held at Hartsteadmoor, to petition for the repeal of the Poor-law Amendment Act, and had been thus described in a Leeds paper:—"Stephens then read extracts from Magna Charta, and said, that if it had been passed without blood, it should be reinstated without blood; but if blood had been shed, blood should not be wanting to bring it back again. Sooner than sit down with this bill they would light up the tocsin of anarchy." Light up the tocsin of anarchy! The reverend gentleman seemed to consider a tocsin to be a torch. He had probably heard of "bell, book, and candle," and had confounded the first and the last. He then proceeded—"they would light up the tocsin of anarchy, and the glory of England should depart. Sooner than suffer his wife or child to be torn from him, he would plunge a dagger into the heart of the man who attempted it. They were not there to reason or to argue, or to amplify on the question, but they were determined not to have the bill either in whole or in part, either in principle or in practice, either in its head or in its tail. They would neither have the sting in its tail, nor the teeth in its jaws, but they would plunge a sword into the entrails, and dig a pit as deep as hell, and out of the Whig filth and rottenness, and detestable and damnable doctrines and practices, they would tumble it all into the pit. He would never pay any taxes towards that bill. If it was to be the law, he would be outlawed, and if it was to be a law for the poor, then he would say, by the God who made the poor, there should be no law for the rich." At another meeting, the same reverend gentleman was thus reported:—"He said what he did not from the impulse or whim of the moment, for he knew there was a Government spy in the room, and if he did not take the words down, he knew they would appear in the public press and that Lord John Russell would have the opportunity of seeing them. He would say, let them have no factories' regulation bill alone, they must fight for both bills at once. If they would not grant them, he would say, 'down with the mills.'" On another occasion, the same individual talked of those "institutions which were once the pride of the country, the envy of surrounding nations, and the admiration of the world," as having "been destroyed by the infernal Poor-law bill and its fiendish supporters." "I ask," said the reverend gentleman, "the rich to pause; I ask, what will be the effect of the law in Manchester? If you receive it, you must give up the Book of God from your pulpit, and the prayer-book from your reading-desk; they cannot stand together; for the devil is not more opposed to the Almighty than is the new Poor-law to his holy word." Surely such language as that, uttered by a Christian clergyman, if not actually blasphemous, was in the highest degree unholy and irreverent. The reverend gentleman proceeded to say—"And there is another old law, which declares that no man is a felon for taking that which he needs to satisfy his hunger." There never was any such law. There might be extenuating circumstances in a robbery, but a robbery was always a punishable act. After exclaiming, "I tell Lord John that the Poor-law is the law of devils, and that it ought to be, and will be resisted to death;" and after uttering a great deal more of very inflammatory matter, Mr. Stephens went on—"In my town of Ashton—" He knew Ashton. It was an extensive place. The inhabitants were very ingenious and industrious, but they were very excitable. And, as he had already observed, most excitement existed against the new Poor-law where it was least known. "In my town of Ashton, said Mr. Stephens, "when March comes we are determined on our course. Let the man who dare do it accept the office of guardian, we are determined 'an eye for an eye, a tooth for a tooth,' man for man. It shall be blood for blood, so help us God and our country." Now he would ask their Lordships if he had been guilty of any exaggeration when he said, that the language which he was about to quote would make their blood run cold? Such gross misrepresentations both of the principle and of the details of the law were most reprehensible, proceeding from any man, still more were they reprehensible when the speaker clothed his sentiments in language such as no human lips ought to utter; above all were they reprehensible when such gross misrepresentations, expressed in such terms, proceeded from a minister of the gospel of peace, who borrowed his illustrations from the bible, the reading desk, and the pulpit; who with abominable profanity perverted the doctrine of "peace on earth and good-will towards men" to the vile purpose of exciting his hearers to riot, insurrection, and bloodshed; and who, as in religious matters his influence might, perhaps, be great, no doubt hoped that in secular affairs that influence would not be small. One writer in a provincial journal described the poor-law commission as "a cruel Cerberus; a three-headed monster; a devil king over the inmates of the national prison:" and a gentleman, whose name it was unnecessary to mention, in language at least not inferior in violence to any which he had hitherto quoted, uttered the following sentiments:—"He would consider himself disgraced if he had travelled 200 miles for so paltry and ridiculous a purpose as petitioning what was called the Parliament, and recommended the meeting so to act as to bring the Parliament on its knees before them, by standing with the petition in one hand and a pistol in the other, the finger holding the trigger to assist the petition." If any of these misguided individuals, after hearing these abominable doctrines, couched in such abominable language—after hearing from his spiritual instructor that it should be "blood for blood"—after hearing from another, but a temporal adviser, that he ought to apply to Parliament "with a petition in one hand and a pistol in the other," were to commit some atrocious outrage, the crime could hardly be called his. My Lords (continued the noble and learned Lord), I have great confidence in the good sense of the people of this country, for I have long known and admired their character. I know their instinctive love of the law, and the horror with which they shrink from any breach of it. I know that they may be treated with great cruelty, that they be subjected to great oppression, that they may be most deeply wounded and tortured in their most tender feelings, without even a murmur, or, at least, without lifting a hand in violation of the law. That is what I know of the people from my own observation of them. I respect their loyalty, I respect their kind and peaceful disposition, I respect their almost invincible repugnance to any infringement or breach of the law. It is, therefore, my Lords, that I feel the utmost confidence in the good conduct of the people, that I feel the utmost confidence in their disposition not to violate the law. But, my Lords, if I am so sanguine in my expectations of the good conduct of the people that I do not apprehend that any evil consequences will result from incitements such as those which I have been reading to your Lordships, I am sure it is not because I believe that no pains have been taken to produce those evil consequences! it is not because I believe that the persons to whom I have been referring have not done their best to induce the people to violate the law, to induce the people to depart from their usual peaceful habits; it is not because I do not think that such was the intention of the wretches who attempted to practise upon the people; but because I depend on the honesty and good feeling, founded on the intelligence of the people themselves. But what will the people of England say generally, when they become acquainted with the fact that it is just in proportion as the inhabitants of any district know nothing of this law that they express their dissatisfaction with it; that wherever the provisions of the law are not applied, there the greatest efforts are made to excite a ferment against it; and that, on the contrary, just in proportion as the law is tried it makes friends, and day after day converts those who were in the first instance suspicious and jealous, into its admirers and supporters? My Lords, when the people of England come to reflect upon this fact, I am convinced that their good sense, that their rational habits, that their peaceful dispositions, will act as perfect safeguards to them against the false, misguided, and slanderous accusers of the law. I trust, therefore, that these men have had their day. I trust, that henceforward their misrepresentations will be refuted as soon as they are uttered. There is one thing also which I will venture in addition to say, that as there is no one of the charges made against the new system to which the old system was not subject in a tenfold degree, so there are, in many cases, no abuses even alleged against the new system which kind of abuses were not everywhere found abundantly to exist in the old. Of all those scenes which it wrung our hearts to contemplate five years ago, none are any longer to be found. I can no longer tell your Lordships of any young, strong, and able-bodied labourer preferring idleness, with the parish allowance of 3*s.* 6*d.* a week, to the 10*s.* a week which he might have made by working. But I have misstated the case. It was not from the parish that such a fellow obtained his weekly 3*s.* 6*d.*: it was from the virtuous and industrious poor, who earned their bread by the sweat of their brow, and whose recompense it was, to be exposed to robbery, to be compelled to support the lazy and vicious, in riot, pillage, and fraud. At the period to which I allude, our hopes of a reformed system of poor relief were almost crushed by the stories which we were constantly told of the conduct of multitudes of the labouring classes. Even boatmen—men who, until the abuses which had crept into the old poor law, thought no weather too hard for the exercise of their calling, and never shrunk from the peril of wind and wave when engaged in saving the lives of the wrecked, any more than when engaged in running a cargo of smuggled goods—even such men, seven or eight years ago, were accustomed, in the tempestuous seasons of the year, to say,—"We will go now and see what the parish will give us; they must keep us; we will take their five or six shillings a-week, and wait for good weather before we go to sea again." No such things are now seen: the New Poor-law cannot be charged with effecting any such corruption of character, with destroying that love of industry and of honest independence, which was the glory of our forefathers. Nor do we now see able-bodied men allowed by the parish sixteen shillings a week for a limited portion of labour, while twelve shillings was all that could be obtained by similar men not paid by the parish, and who devoted the whole of their time to their employers. In 1831, hundreds of individuals besieged the relieving officers, complaining that they could not earn ten or twelve shillings from the parish, unless they worked as hard as the common labourer, who made no application to the parish. Nor, my Lords, do we ever hear now of the statement of a fact exhibiting so degrading a deficiency in common sense and common feeling as that one honest and well-disposed woman, who for weeks and months resisted receiving parish relief, preferring to support herself by her own independent exertions, was at length compelled to give in by the clamours of the rest of the women of the parish, who shamed her out of her good resolution. Recollecting all these things, my Lords, I ask your Lordships whether we were too vehement in our denunciation of the abuses of the Old Poor-law system? Did we lament too deeply the wide-spread evils—evils tending to destroy the good sense, the honesty, and the independent spirit of the people of England—the existence of which was proved by the gross abuses which I have just cited? Before the introduction of the new system of Poor-laws, every thing was monstrous, every thing was unnatural, every thing was intolerable, in the manner in which relief was given to the indigent. Practices which set all reason and all principle at defiance, had grown up to a fearful height. Separating the workmen from the work, those practices while they introduced the most intolerable corruption, were fraught with the most fatal consequences to social order; they threatened anarchy and violence; they opened the door to every description of profligacy and dissoluteness, and crime. At that period, no man, however undeserving, need want, who chose to go to the parish for aid. Men who prided themselves, and justly prided themselves, on their independence, men who nobly supported themselves by honest industry, were taxed to support every idle, debauched, and good-for-nothing fellow in their neighbourhood. The noble Earl told us, in the language of Scripture, "to look at the fruits of the tree." I am sure, my Lords, if we look at the fruits of the Old Poor-law, we must admit that they were bitter to the taste, though, certainly, they were not fair to the sight, for nothing could be more hideous. My Lords, I hope we may be said to have passed safely through the first stage of the new measure. Under the operation of the old system, it was impossible that society could have long existed. All the better portion of the population was ground down by the Poor-rates. It was anxiety for the stability, nay, for the very existence of society, in which the present law originated. The money saved by it was only an inferior consideration. If the noble Earl can show—which, however, I am persuaded he cannot—that the statement of a saving, by the new measure, of two or three millions a year is a fallacy, still I should cling as closely as ever to the measure. For what, my Lords, was its principal object? Not to lower the rates of the rich, but to raise the character of the pauper; not to spare the income of the opulent, but to improve the moral feeling of the poor. I hope that this object will be gradually but surely attained. I hope that the labouring classes of the people of England will learn, not to look with longing at the means or earnings of others for their support, but that every one will depend upon his own industry, and will, upon that alone, found his expectations, and those of his family. If this should be so, the comfort and happiness of the labouring classes will speedily increase; if this should not be so, I care not if the saving be twice that which it is now alleged, and, I believe, truly alleged to be. What I look to, as I have already said, is the restoration of the character as well as of the comforts of the poor. If that should not be the result of the new system, as I am now the foremost to challenge inquiry into its merits, I should then be the foremost to call on your Lordships for its repeal. Again, if there should appear to be any defect in the mechanism of the law, if there should appear to be any abuse in the exercise of the powers which the law confers, if there should appear to be any impropriety in the administration of the law, whether general or particular: let that defect, let that abuse, let that impropriety be brought forward and established, and your Lordships will find, that there is not a more vehement, that there is not a more implacable corrector of wrong, or prosesecutor of the wrong-doer, than myself. But, my Lords, if I so challenge inquiry into the merits of the new system, if I so call for the appointment of a Committee to hear evidence, upon oath, with respect to those merits, if I so show my readiness to amend, or even to repeal the law, should it be found expedient to do so; if I so evince my disposition to deal with the measure exactly as it may seem meet to your Lordships to deal with it, I claim this as an act of justice; I claim it, not as a boon, but as a right; I claim for the measure, and for its supporters, and for its administrators (who, although I know they have administered it in a spirit of the greatest kindness and humanity, have, nevertheless, been exposed to great censure and obloquy), I claim it as a right, that if the challenge I give be not accepted —if the call I make be not responded to— if the opponents of the system bring forward no specific charge, if they do not allege any distinct abuse—why then, my Lords, I claim, as a matter of common right and justice, a cessation of those attacks, a cessation of those groundless aspersions, a cessation of those base suspicions, a cessation of those ungenerous, false, and foul, calumnies which have lately been poured out in such scandalous profusion. What I ask, my Lords, is simply this: that if you refuse to tell us, or rather if you refuse to tell the Government and the Poor-law Commissioners, what the charge is against them—if you refuse to try them on such charge, that, being so untried and uncharged, you will not pronounce a sentence of condemnation; nay more, that you will not proceed to inflict punishment. This is all I ask. I ask for strict justice; I ask not for any favour. Less than justice your Lordships will not give; more than justice I disdain to solicit.

The Earl of *Stradbroke* referred to several documents, to prove, that in Suffolk, Norfolk, and Sussex, the condition of the lower classes had been lately much improved; and there was a great decrease of crime, a great increase of comfort, and instead of the workhouses being filled with able-bodied labourers, there was a less number of paupers in the unions than was ever before known. It was folly to say that people were forced into those unions or prisons, as they were termed, as there was not half the number then in the workhouses that there was before the passing of the New Poor-law. The noble Lord also referred to some documents, to show, that although the farmers in the counties to which he had alluded enjoyed a great reduction in the poor-rates, more out-door relief had been granted of late than at any period prior to the passing of the Act. In one parish from which he had seen an account, it appeared that not a single able-bodied man was out of employment or in the workhouse. In fact, it was notorious in many parts of the country, that in consequence of the improved condition of labourers, the rents of cottages had increased of late. The noble Earl referred to other documents to show, that so far from thinking the treatment in the workhouses bad, many labourers had admitted, that the diet was much better than many at work could procure out of doors. The noble Earl (Stanhope) had said, that in Suffolk a case had occurred in which a pauper in great distress had been left ten days without relief. This was a charge of so general and undefined a character, that not being informed as to the particular parish or union in which it occurred, he could not give any answer to it. It had been said by a noble Lord on a former occasion, that an assistant Poor-law Commissioner had stated at a public meeting in Suffolk, that the workhouses should be made as much like prisons as possible, in order to prevent persons having recourse to them. Now, inquiry had been made as to that statement, and the Assistant-Commissioner in question said, that he had no recollection of having made any such declaration. The noble Earl expressed a hope that an opportunity would be given to those against whom charges had been brought with respect to the administration of this law to rebut them. No doubt the noble Earl (Stanhope) fully believed all the statements which he made on this subject, but he was a good deal in the hands of others, whose information was calculated to mislead him. However, as the characters of those who had been charged were naturally dear to them, he hoped they would have an opportunity of answering those charges.

Lord *Wynford* said, that it was no answer to the charge that had been made against an Assistant Poor-law Commissioner of having said that the workhouses should be made as like prisons as possible, in order to deter men from having recourse to them, that he did not recollect having made any such statement. If a man in his station had made a statement so disgraceful to him, he must recollect it; and if the Poor-law Commissioners did their duty, they should at once dismiss him, if he could give no better answer to the charge. The statement which he (Lord Wynford) had made on a former occasion, as to the increase of crime since the passing of the Poor-law Act, had been founded on returns made to the Home Department, and within the access of any one of their Lordships. From those documents, it appeared that during the last year crime had increased to the amount of 800 or 900 cases. In what the noble and learned Lord opposite had said of public meetings and the proceedings at them he fully and entirely concurred, and wished her Majesty's Ministers would take some means to prevent their being held. He appealed to the Lord Chancellor, whether these meetings were not grossly illegal, and whether all who attended them were not liable to be indicted? The noble and learned Lord (Lord Brougham) had read to their Lordships some passages from speeches made at these meetings, and he, as a lawyer, hesitated not to say, that that language was not only illegal, but approached as near as possible, if it did not actually touch upon, treason. He was one of those who objected to many of the details of the measure, but God forbid he should speak of it in such terms as those read to their Lordships that evening. When the measure was first introduced to Parliament, he had expressed an opinion that the powers vested in the Commissioners were unconstitutional. That opinion he still entertained. He also thought that the expense the measure sanctioned was unnecessary, and that the increase of patronage was objectionable; but, notwithstanding, he felt bound to state that he would be one of the last to propose its repeal;. and if any such proposition were made, he should strongly object to it. He had, as far as his infirm state of health would permit, visited some of the union workhouses, and from what he saw of the appearance of the men and women, and of the education of the children, he thought that future generations would be much benefitted by their operation, with, however, such amendments as he thought they required. The dietary in those which he had visited was, he believed, better than that of many of the labouring poor outside. He wished that the condition of the labouring poor outside were much better, and that would be the way to make the workhouse dreaded, not by punishments within it, but by bettering the condition of the poor without. As far as he had seen in those workhouses which he had visited, the paupers were better fed, and clothed, and lodged, than the labouring poor outside. Against the Commissioners, there was unquestionably a very great prejudice throughout the country, and as he thought a great deal of that prejudice might be removed by the appointment of a Committee of Inquiry, he should unquestionably support such a proposition, if made. Indeed, his conviction was, that the more light there was thrown on the bill and its working the more satisfied with it the country would become. His main objection to the measure was the extent of power given by it to the Commissioners. The noble and learned Lord opposite alleged that no more power was given to the Commissioners by this bill than was given to Commissioners under several others to which he referred. But the statutes which he named were but Local Acts, and he defied the noble and learned Lord to point out any general act, one referring to the whole kingdom, in which powers so extensive and so liable to abuse were given to Commissioners. Could the noble and learned Lord point out any other Act giving power to Commissioners to repeal an Act of Parliament? Another objection of his to the Poor-law system was the shutting up in a workhouse the man who was willing to work, and only required assistance from being unable to obtain employment. One improvement which he should wish to see in the present Act, was the introduction of that clause in the Gilbert Act, which compelled the overseers or guardians to find work for the able-bodied labourer if he claimed relief, and if he refused that work to send him to prison. If that clause were in force, few candidates would be found for admission to the workhouse, particularly if the dietary of the workhouse were not so good as that of the gaol. One part of the New Poor-law Act to which he most strongly objected was, that where relief was sought for a child or children it was not to be given unless the parents and the whole family consented to go into the workhouse. This was an unnecessary burthen to the union or parish, and a severe hardship to the poor man, for it was well known that a father might be well able to support his family if the burthen of one or two sick children was taken from him. Was it not unjust to the parish, and cruel to the parents, to compel them to go with their whole family into the workhouse because they asked relief for one or two of their sick children? Another objection which he had to the law as it now stood was, that if a man who with his family were in the workhouse wished to go out, he must give three hours' notice of such his wish, and that he must, at the same time, take his family with him. Surely, if a man were to seek work, it could not be in the workhouse. If he were to get it at all, it must be by going out and searching for it, and while in that search, it was cruel to send him forth with the burthen of his whole family upon him. The detention of the man not for three hours, but for three minutes beyond the time he wished to go forth, was illegal. It had been decided over and over again in the Court of King's Bench, that if the overseers or guardians did not provide the pauper with work, they were obliged to give him relief; and if they refused him the opportunity of looking for work, they acted equally illegally. There was another part of the Act to which he objected—namely, the bastardy clauses, though he was not, at that moment, prepared with any particular remedy. The Act required a strong remedy with respect to those clauses. He had seen a statement on respectable authority in which it was said, that of the births in the eastern division of the county of Sussex in sixty days one in ten of the children were murdered. [A *Noble Lord:* What, one-tenth of all?] He did not say one-tenth of all. He thought he had said, but at all events he meant to say, that one-tenth of the illegitimate children born in sixty days within the eastern division of the county had been murdered. The fact had been stated in a petition signed by several respectable individuals. He was not answerable for the fact, he had only communicated it to their Lordships. The person who had sent him the petition was a very respectable man, and if his noble Friend was anxious for an inquiry into the facts, it could easily be instituted. He was quite convinced, that the bastardy clauses of this bill ought not to be continued. If their Lordships would look to the calendars of the last Assizes, they would find that the crime of infanticide had increased; and he was certain it was owing to the operation of the bastardy clauses of the New Poor-law. He objected to discussing a question of this kind on the presentation of a petition, as he was not quite prepared for it, but he would take some other opportunity of bringing the subject under their Lordships' consideration. He would bring forward a specific motion on the subject, and when he did that, he would state the grounds on which he would ask their Lordships to concur in that motion. There were two cases relative to another part of the Act to which he wished to call their attention. He had seen a statement some time ago in *The Times* newspaper of a pauper being taken up by the police in the night and carried to the workhouse, but he was refused relief, although he was in a state of destitution. The Poor-law Commissioners, as he understood, were very properly making inquiries into the operation of the Act, and he should like to know whether any inquiry had been instituted into that case, because if the facts were not true they ought not to be published, and if true, the recurrence of them ought to be prevented. If the relieving officer did not relieve a person who was in a state of destitution, and any evil consequences ensued, he would be liable to an indictment. Then, with respect to the case of the Bridgewater Union, it had been stated that the guardians had sent a great number of persons into a workhouse in which an infectious disease had prevailed. He was told that an inquiry was made into the facts of this case, but that it was made by the guardians, and that ought not to be The guardians were acquitted indeed, but by whom? By themselves. He was far from being desirous of having the Poor-law Bill repealed, for he thought that it had done a great deal of good, but there were some points in which he thought it required alteration.

The Duke of *Richmond* was anxious to say a few words on this subject, the more particularly as he felt somewhat personally concerned in some of the statements. From the first commencement of the working of the New Poor-law Act he had considered it to be his duty, as occupying the station of a landed proprietor in Sussex, to join the board of guardians of the union in which he resided. He knew that in doing so he exposed himself to much abuse and clamour, and that he was thereby rendering himself for the time unpopular; but he had deemed it an essential duty towards those who accepted the office of guardians in the union not to withhold from them his best support and co-operation. Being well aware that from his position, he might be of great service to the board by acting as their chairman, he accepted that office; for though he knew that nearly all the popular abuse would be taken from their shoulders to be placed on his own, he also felt that, as a Member of their Lordships' House he should always have the opportunity of appearing before his Peers to explain his conduct. He was not much in the habit of reading newspapers, but his attention had been directed to a letter in *The Times* newspaper of Thursday last, written by a Mr. Rodgers, of Devonshire-place. Who this Mr. Rodgers was he did not know, neither did he care, but he would tell them the facts of the case, and he would then ask their Lordships whether they did not think that the editor of that paper had been grossly imposed on when he admitted this letter into the paper, and made the comments which he had made upon his conduct. Last Session Mr. Walter, who was well known to many of their Lordships, obtained from the House of Commons the appointment of a Committee to inquire into the operation of the New Poor-law. Before that Committee, it was thought proper to make inquiries respecting the union of West Hampnet, with which he (the Duke of Richmond) was connected. One of the witnesses brought up from that place was a woman of the name of Legge, who was asked what had been the conduct of the chairman of the board of guardians of that union? It had happened, that this woman lost three children in the workhouse. Here he felt it but justice to himself to state that during the prevalence of a disease which was raging in the workhouse, and which existed in several other parishes round, he had felt it to be his duty, as chairman of the board of guardians, to show an example to the other guardians by daily visiting the workhouse, where he passed much of his time in the different wards. He had been, as might be seen in the evidence of a most respectable gentleman, one of the guardians, recommended not to go into the workhouse during the prevalence of the disease, which was thought to be typhus fever, lest he should catch it; but he had replied that, having been educated in the army, he was not afraid of infection, and should continue to visit the workhouse. Not being afraid of infection, he of course took no credit to himself for persevering in his visits, but he merely mentioned the circumstance as showing that he had so visited the workhouse. The woman Legge, to whom he had referred as a witness before the Committee, stated that she had applied to him, as chairman of the board, for leave to go out of the workhouse—that he had replied she could go out on giving three hours' notice—that on her renewing the application he had said, "No—we will not allow the living to go without the dead." Now, he would solemnly protest on his honour that he had never said anything of the sort. He did not expect the editor of *The Times* nor Mr. Rodgers to give him any credit for the disavowal, nor to trouble themselves to look back to all his past character and conduct for the refutation of so foul a calumny. What he did demand of the editor of *The Times*, and the editor of *The Times* could not refuse to comply with the demand, if he wished to be considered as a respectable individual, was, that he would not insert in his paper attacks of this nature against him (the Duke of Richmond), without, at the same time, giving the answers made to the Committee in reference to his conduct by other individuals. This woman was asked whether she had made any such statement as this before? and she replied "Yes, to the clergyman of the parish the day after she left the workhouse." This clergyman was also examined, who it was to be remarked, was hostile to the bill, and not in the slightest degree connected with him. But what was the answer of the Rev. gentleman when questioned on the point? The distinct answer, as it appeared in evidence, was that he had never had such words addressed to him, nor had ever heard anything of the kind till that day. He would, therefore, ask their Lordships whether, in common fairness, these two statements should not have been placed together by the editor of *The Times*? He would say more: when he read last year that such a statement had been made before the Committee, he had felt it his duty to communicate with the chairman of that Committee and several of its Members, and he had asked them whether they considered it necessary for him to be examined, or to adduce other evidence, in refutation of the assertion which had been made by the woman Legge, but the answer was, that the Committee was already satisfied that the charge against him was totally unfounded. Though he seldom thought it worth his while to condescend—as he might call it—to answer newspaper attacks, for he was sensible how liable the editors of newspapers were, amidst the multiplicity of their business, to be deceived and imposed upon by their correspondents—yet he had considered it but justice to himself to make the present statement, for he felt that if he was capable of uttering the words imputed to him by the woman, he should be unworthy of holding a seat on the board of guardians, or of occupying any station among gentlemen. He would now take the liberty of saying a few words on the proposition before them. It was stated by the noble Earl opposite that the great majority of the petitions which had come before the House on the subject were hostile to the measure. But the noble Earl must be aware that when such great excitement and clamour prevailed on the subject, and when, above all, clergymen were found to denounce all those who ventured to differ from them—in the manner which had been stated by the noble and learned Lord—there were many persons who would not come forward to support the law, for fear of incurring popular opprobrium, and of being dragged before the public in the newspapers. Nor was this all. He had last year charged the noble Earl opposite, and he now repeated the charge, with having used his influence to prevent persons from acting as guardians of the poor. The case would be recollected of Mr. Barrett, a tenant of the noble Earl, in the county of Kent, a man esteemed by the whole neighbourhood, a man of known humanity, who, when elected a guardian of the poor in his union, was sent for by the noble Earl, and told: "Abandon your duty—abandon the duty which the rate-payers of your parish, acting under the law of your country, have confided in you: cease to be a member of the board of guardians, or you cease to be a tenant of mine." The fact was not denied by the noble Earl, who, on the contrary, gloried in it. Yet this nobleman, holding a high station in the country, and who was prepared to turn a man out of his farm, to deprive him and his children of their livelihood, for venturing to differ from him in opinion, and knowing how others acted in the same circumstances, turned round and triumphantly said, "all the petitions are against the measure." The noble Lord had mentioned the case of the Delamere labourers, who had been employed in dragging potatoes; but this was a case of voluntary labour, and entirely differing from the one which he had brought under their Lordships notice some years ago, where thirty or forty labourers were compelled to drag heavy loads of gravel for a mere pretence of wages. This latter case happened under the blessed system which the noble Earl longed to return to, when the roads throughout the country were covered with idle, vagabond paupers, who in these gravel-pits concocted more mischief in one day than now was thought of in a week: the system which demoralised the labourers throughout the country, and destroyed all kindly feeling between them and the farmers. Did the noble Earl forget the riots, the tumultuous meetings of the labourers, under the old system, in 1830, which placed in jeopardy the finest counties in the kingdom; the stacks and farm-houses which were burnt; the threshing machines which were destroyed by men trained to vice, under the old system, and taught to believe that they were entitled to live in idleness on the industry of others. He was quite surprised to hear the noble and learned Lord talk of making allowances to labourers in full work: the noble and learned Lord would not find any authority for such allowances being made in the 43d Elizabeth, and the opinion of the judges had been given that it was grossly illegal. The noble and learned Lord (Wynford) however, was entirely mistaken if he supposed that no out-door relief was given under the new Poor-law Bill. He knew many instances of such relief having been given, in cases, for instance, where the labourer himself was ill or disabled, or where there was an idiot son or daughter, or where the wife was ill. As to medical assistance, he was prepared to state, that it was given more freely, and of a better character, than under the old system. The noble Earl had much better go and see the workhouses, and examine for himself: he would undertake to provide the noble Earl with a pass, so that he might go safely through the house and leave it when he pleased, without three hours' notice. The noble Earl's notion appeared to be, that the main happiness of the guardians consisted in having as many persons as possible in the workhouse, or, in other words, in having the largest possible amount of money to expend; but the noble Earl was greatly mistaken on this point, as on others. He held in his hand the quarterly statement of the expenditure of the union with which he was connected, whence it appeared that, during the last quarter, 230 paupers had been relieved in the workhouse, and 610 received out-door relief. This instance in itself showed that the noble Lord had no authority for saying that there was no out-door relief. He could not help thinking that the noble Earl had not studied the law with sufficient attention; that, in fact, the noble Earl knew nothing about the Act. The noble Earl stated, that under the new system the magistrates were become a mere nullity as regarded the relief of the poor; but the noble Earl would find that in certain cases the magistrates had still the power of giving relief. Every magistrate was an *ex officio* guardian, and had, consequently, an opportunity of inquiring into every case which came before the board; and, in certain cases, should the board of guardians refuse relief to persons above a certain age, the magistrates had the power to compel the guardians to afford relief. The overseers and churchwardens in Sussex were well acquainted with the power given them to relieve cases of destitution, and such relief was constantly afforded and as constantly assented to by the board of guardians. The noble and learned Lord had doubted the legality of retaining paupers in the workhouse after they had thrown aside the workhouse dress, but the notice of three hours was distinctly required by the Act. It might be a question whether the period of even this notice might not be conveniently abridged; but it was generally found that the paupers could contrive to make up their minds so as to give the three hours' notice before the time at which they wished to quit the workhouse; and it had been observed, the usual point of time at which this notice was given was such as to make the expiration of the notice occur just after they had had their respective dinners. It was unanimously agreed by all persons who were acquainted with the subject, and by those who attended quarter sessions, that great savings had been made by the new law, and among others, in the law charges. If it could be proved that this measure had not done that which its framers contemplated —that it had not benefited the labouring classes, he (the Duke of Richmond) would be the first to move its repeal; but he was prepared to declare his conscientious belief that a Bill never received the royal assent which had done more good to the morals of the country. It had rendered the labourer independent, and it had raised, and was raising still higher, the rate of wages. He knew not, he might remark, where the 6*s*. or 7*s*. a-week wages, which had been spoken of, were given, but this he would say, that though he should scorn to turn off a tenant for a difference of opinion, yet he would readily turn off a tenant whom he should find robbing a labourer so grossly as to give him but 6*s*. or 7*s*. a-week for services worth 13*s*. or 14*s*. He was well assured, that the measure, if it had a fair trial, would fully effect its objects, and become popular; all his wonder, indeed, was, considering the virulence of the attacks which had been made on the measure, that the clamours and opposition to it which misrepresentation had given birth to, had not been far greater than they had been. One great blessing conferred by the measure, was the great attention paid to the education of children in the workhouses, and the pains taken with them to render them, when they left the workhouse, capable of supporting themselves. To the great improvement in this respect many clergymen hostile to the Act in general bore ready testimony. In the workhouse at West Hampnett, for instance the instruction given to the children was superior to that afforded in many parochial schools. Besides the school lessons in the morning, there were classes for teaching the children various trades and employments, so that they might on leaving the workhouse be able to maintain themselves by honest industry. The noble Earl, if he would but visit that workhouse, would be infinitely gratified at witnessing the conduct of those children, but he feared that the noble Earl's prejudices would debar him from so great a gratification.

Lord *Colchester* said, that at the late hour which had now arrived, he would not trespass long upon their Lordships' attention, but having been two years the chairman of a board of guardians in the county of Sussex, he hoped to be permitted to say a few words. It was utterly impossible to suppose that the noble Duke who had just sat down would have used the words offensively to the woman whose name had been mentioned; but every person who looked at the evidence itself, upon which the charge was founded, must see that the charge was untrue and undeserving of credit. With regard to the statements of infanticide in the petition which had been alluded to, he could say, though he was not prepared to contradict it, but, residing within sixteen miles of the place where the meeting had been held, he could state, that at the union with which he was connected, not a single case of infanticide had been heard of. The board of guardians had been stated to be servile, and obedient to the despots of Somerset House, as the noble Earl had been pleased to designate the Poor-law Commissioners; this had not been the case, for many boards had, in long correspondences, urged opinions contrary to the views of the Commissioners, who after much consideration had the candour and good sense to admit that the guardians were in the right, so that the one body could not be called despots, nor the other servile. From what he had seen of the working of the bill, he was persuaded of the justice of its principle, and of its benefit to the labouring population of the country, but at the same time he did not think the effects were so universally advantageous, as its supporters seemed to imagine. He was sorry to admit, that during the last winter great deprivations had been suffered in Sussex, arising a good deal from the terror in which the workhouses were held, and without just cause; for he was convinced, that in them the poor were better clothed, more substantially fed, and better taken care of, than they could possibly be by their own families. And this especially was the case with reference to children, who were not only taught reading and writing, but also trades, in a manner which never could be the case in their parents' cottages. He had no wish to throw the least opposition in the way of the system, but he was anxious that its details should be carried out in such a manner, as to make it less obnoxious than it appeared to be to some persons. One of the things to which he objected, was the size of the unions. The union with which he was connected contained a population of between 11,000 and 12,000 persons, and its extent was eight to nine miles, and to compel a pauper to come that distance to a workhouse for relief was unjust, and exposed the pauper to great difficulty. In saying that, he cast no blame on the returning officers, for he believed that they discharged their duties much more efficiently than could be done by overseers, who had some trade or profession to attend to. There was another point upon which he differed from the noble Duke on the cross benches, (the Duke of Richmond) and that was with respect to the relief to be given to labourers in what was called full employment. It was impossible for such men with their rate of wages in many cases to support their families, and he therefore desired to give them not out-door relief, but to provide that the surplus children should be taken and brought up in the workhouse by which a great relief would be afforded to the labouring man without any bad effect. That, however, on communication with the Commissioners, had been found not to be within the principle of the Poor-law Act, and they refused to adopt the suggestion. Upon one other point, which, however, did not affect any great number of persons, he thought some alteration ought to be made — he alluded to the seamen and soldiers, who, after having long served their country, had obtained small pensions. He believed that by custom, and not under the provisions of the act, those who administered the Poor-law obliged the pensioners to make over the whole of their pensions before they received any relief from the workhouses. An instance in this respect, had occurred lately to his knowledge, of a seaman, with a pension of sixpence a day, and a wife, and four or five children, being called upon to assign his first quarter's pension. The man said he was very willing to assign it for as many days as he and his family remained in the workhouse; but he said, that there he was charged half-a-crown or three shillings a-head for the support of his family, when he could provide for them at eighteenpence a-head per week. These suggestions he threw out in the hope they would be considered by the Poor-law Commissioners, and with the belief that by their adoption the existing law would work more beneficially and advantageously.

The Bishop of *Chichester* said, that what had fallen from the noble Duke (the Duke of Richmond) must not only make a deep impression in the House, but also out of doors. He should not, however, have risen, but for the allusion which had been made by the noble and learned Lord as to the conduct and speech of some clergyman, from which every man, with common humanity must turn with abhorrence. In speaking of the clergy he did not wish to confine himself to those of the Church Establishment, but he extended his remarks to those of other persuasions, and he was sure they all equally would revolt at such a speech as that which had been alluded to. That speech had no doubt been made by somebody, but he regretted to hear the noble and learned Lord say, that other clergymen had made use of the same or similar language. When it was remembered that there were more than 20,000 clergymen of the Established Church in the kingdom, besides many more of other persuasions, he was surprised that so few had come forward in the discussions which had taken place on this question, especially when the clergy were so closely and so intimately connected with the feelings of the people, and with all that could distress them. Under these circumstances, it had been matter of congratulation to him as well as of surprise, that the clergy of this country during the operation of this law, had entered so little into the discussions of the bill, but, receiving it as the law of the land, had endeavoured loyally and faithfully to co-operate with it. He had lately been making a visitation of his diocese, and had paid much attention to the working of the measure, anxious as he had been to obtain the opinions of his clergy upon it, and upon the facts and circumstances connected with it, and he must say that from them generally, he had received such testimony as showed not only that they were generally favourable to the Bill, but that they had in their own persons refrained from any interference with it that was not consistent with, and becoming to their stations. Having said thus much on behalf of the clergy of all denominations, he must be permitted to say, that the poor-house to which the noble Duke had referred, was within his own eye and observation, and that it had been his good fortune to be one of the clergy desired to visit it and to examine the children, and he could testify that he was utterly surprised at the admirable manner in which they went through that examination, for that though there were between eighty and ninety children of both sexes—a fleeting body, and changing every day—yet their answers would have done honour to any permanent school in the country. With regard to the diet, he had seen, that during a change in the weather the surgeon directed a richer diet for the poor, and had witnessed a manifest care taken by the guardians for the comforts of the inmates of the workhouse under their charge. He should not have done justice to his own mind, to the poor, or to the guardians, if he had not thus testified the excellence of the arrangements in the workhouse to which the noble Duke had alluded.

Lord *Brougham*, in explanation said, that he had not attributed to the clergy the language to which he had adverted. What he had said was, that the language had been used by a Gentleman not connected with the Church, but belonging to a most respectable sect, and whose father had been at the head of the Conference. He had not said that any other clergyman had used language of the same sort as that into which by his violence the minister in question had been betrayed.

The Marquess of *Bute* expressed his concurrence in the opinions stated by his noble Friend behind him (Lord Colchester) with respect to the size and extent of the unions in many parts of the kingdom. That system of unions, it was obvious, must press hardly on those districts where the poor people had to come great distances to prove their cases. For the formation of those unions he, however, did not blame the Commissioners, who, he conceived, had had most arduous and delicate duties to perform, and than whom no three individuals could have been selected more fit for the faithful and conscientious discharge of those duties. It had been said that a poor man had a right of appeal from the refusal of assistance by the relieving officer, but he thought it was a mockery of appeal to compel a man to come such a distance to the board of guardians in a large union to enforce the appeal. That provision of the Bill required remedy. There was another point upon which he wished to make a remark or two. He referred to a case in which application was made by a distressed family to have one or two children admitted into the workhouse as a temporary relief during a season f distress occasioned by a want of employment. The guardians applied to the Commissioners, and the result was, that the application was refused. He did not know upon what advice the Commissioners had acted in refusing that application, but he believed that they were wrong in so doing. He was liable to correction, but he was of opinion that the children ought to have been admitted, and that, under the circumstances, the parents had a right to claim admittance for them. Had he been one of the board of Guardians to which the application was first made, he should have advised the board to admit the children, and he thought that would have been giving lawful advice. That was certainly the law before the 36th of George 3rd in cases which were very well known. There was certainly nothing in the Poor-law Amendment Act to deprive the poor people of that right, which they had previously possessed. The severity of the climate during the winter months was the cause of a great stoppage of work; and in several districts, owing to various changes which had taken place in the course of the last forty or fifty years, women and children could not get work now, and the blank thus created in the income of their families must be made up in some way or other. In some districts, taking one year with another, there must be at least six weeks in the year in which the poor people would be entirely thrown out of work. He was, therefore, anxious that the legal rights which the poor previously enjoyed should be restored to them.

Viscount *Melbourne* said, the very ample discussions which had taken place in Parliament on the general working of the Poor-law Amendment Act, rendered it unnecessary for him to prolong the present debate further than to express his accordance with the opinions of the noble and learned Lord on his right (Lord Brougham), and of other noble Lords who took a similar view of the subject. The noble Lord had claimed for the petitions which had been presented on this subject a peculiar virtue. He had said, that they were characterised by great impartiality, not being the offspring of political bias or sectarian prejudice. Without going into a dispute on that point, he would press on the consideration of their Lordships, whether it would be worth while to adopt the course proposed by the noble Lord with regard to those petitions, or whether any object was to be gained by so doing, especially as a Committee of Inquiry was sitting in the other House. The getting up of the return which had been moved for, would occasion great trouble and expense, and their Lordships would consider whether it would be worth while to impose that trouble and incur that expense. It was known that petitions had their due weight and force on all subjects; he did not deny they were not strong marks of the state of public feeling in the country, but it was well known that the number of any particular class of petitions depended much on the zeal and activity of those by whom they were got up. A great number of the petitions on this subject, however, appeared to have been got up in a false view of the question. Was it worth while to go into an analysis of those petitions, and to inquire on which side of the question those persons were, who had signed the petitions, or what those persons professed to be? If such an inquiry were to have any weight or force, and their Lordships were to draw any inference from it, they must carry it further, and inquire whether the signatures were those of the persons they purported to be, and whether those persons had properly described themselves. He would, therefore, suggest to the noble Lord whether or not he would press his motion, and whether, if he did, it would be worth while for their Lordships to concur in it.

Earl *Stanhope* hoped he might be allowed to address a few words by way of reply to their Lordships. With regard to what had fallen from the noble Duke (Richmond), he had already fully and satisfactorily defended his conduct in respect to a charge which had been made against him of having dismissed from his estate a farmer who persisted in being a guardian; but he would again repeat the facts to the noble Duke. He had never interfered with any man's wishes, still less had he attempted to coerce any man whatever, and prevent him from the free exercise of his own opinion on any public question. But a landlord had a right to the buildings on the farm; the stock only was the property of the tenant, and if the conduct of any tenant was such as to create danger to the property of the estate, it was both the right and the duty of the landlord to look after its security. He denied that he had told his tenant that he must either cease to be a guardian or to be his tenant. It was true that he admonished him not to undertake the office, as he was not compelled to serve by law. He persisted, however, and wrote a letter to him, saying that he would serve, and therefore he did not feel inclined to remain his tenant any longer. That resignation he accordingly accepted. He was charged with not attending boards of guardians. How could he do so? He had not been elected a guardian, and therefore he had no right to attend at the board. But he would not shelter himself under that defence; he was opposed both to the principle and almost every enactment of the new bill, and therefore he could give no sanction to its operation. His noble Friend had asked if he had forgotten the riots and disturbances that took place at the end of the year 1830? No; nor the circumstances in which this country was placed at the commencement of the year, nor the general cry of distress which arose, as he contended, from the contraction of the currency. The noble Duke, who was then at the head of the Government, was warned of the consequences that must ensue. Distress overtook the farmers, and out of that distress arose those tumults which had for their object higher wages and more employment, and not, as was falsely stated by those who succeeded the noble Duke in office, a wish for Parliamentary reform. He would now proceed to the speech of the noble and learned Lord, who could never address that House, or any other assembly, without exciting admiration for his eloquence and extraordinary talent. But his noble and learned Friend not only sometimes leaped rather suddenly to a conclusion; on this occasion he had leaped into a debate which was intended to occupy a subsequent day. He had stated, that as this was a most important question, it would be more convenient and satisfactory to have it discussed in a series of motions on different nights. His noble and learned Friend had that amount of physical and mental power which he required, and was able to speak for forty hours or forty days. He could not make a speech of that duration, but it would require almost as much time to bring under discussion all the points relating to this subject. His noble and learned Friend had chosen to talk of this being one of the lectures with which he was about to favour the House, but he could assure their

Lordships, that he had only attempted to represent the sentiments of an innumerable multitude out of doors, however weakly they might be supported in that House. It was, however, his intention to bring the various topics of the question under the consideration of the House on separate nights. The noble Lord had asked why he did not move for a Committee of Inquiry? There were good reasons for not doing so. What were the sentiments expressed by a person who had ceased to be a guardian, he meant Mr. John Bowen—a man who had sprung from the labouring classes, and who in the earlier part of his life was a labourer, but who had in his work shown an acuteness of intellect and a power of investigation equal to those of any man in or out of Parliament? "Although," said he, "the administrators of the reformed Poor-laws have, as will be shown, the tremendous power of life and death in their hands, their proceedings, like those of the secret tribunals of the Inquisition, are concealed from the public. On the one side are the helpless poor; on the other the aggregated property of the kingdom, acting by pledged delegates, or aided by a band of stipendiaries, whose faculties are sharpened by the apprehension of being driven from the spoils of the poor, which they have so lately touched. These forces are marshalled at the expense of the working people of England, to organise evidence, and to move *en masse* against persons and their rights, and to enact those cruelties which are inflicted under the Poor-law Amendment Act." With this view of the subject, it could not be his intention to move for a Committee of Inquiry, which he thought would be futile and useless, nor would he, nor was he compelled to take any part in any such Committee. He had been met with a singular and inconsistent objection; he had been charged with not bringing forward specific facts. He had stated facts of public notoriety, which had not been disputed hitherto: and if he were disposed, he could bring such a long and melancholy list of cases of cruelty and oppression which had occurred under the new system, that they would not have time to attend to anything else. In fact, he was blamed at one time for occupying the time of the House with cases which the noble Lords were not prepared to answer; and at another time he was asked, why he did not bring forward some specific charges. He did not mean to question the principles or motives which had induced his noble and learned Friend to recommend the Poor-law Amendment Act to the support of their Lordships; but he thought that if such was the way of showing the kindliest feelings towards the poor and working classes, they might well say—"Heaven defend us from our friends!" His noble and learned Friend seemed to charge him with mis-stating the fact with regard to Manchester. He knew very well that Manchester was exempt from the operation of the new law, because when any regulations were received from the three commissioners, whom he would still call dictators and despots, or from any viceroy representing them, those documents were returned unnoticed and unopened. He should like to know whether the case of the men who had dragged the waggon-load of potatoes thirty-two miles for 3*s.* was not a proof of the dreadful operation of the New Poor-laws. The noble Duke had talked of the favoured county of Suffolk, and spoken of labourers having even asked for the new law. He would not presume to contradict the noble Duke, but he would ask, had those labourers petitioned for the continuance of the new law? If so, he could only say, with the old proverb—

> "De gustibus non est disputandum."

Perhaps it might have been the wiser course for him to have allowed the discussion which the measure was undergoing throughout the country to have taken its own course, and to have allowed the new system to work its own cure. He was convinced that the feeling throughout the country could not long be resisted, and he was persuaded that, sooner or later, the Poor-law Amendment Act would certainly be repealed. But in all the communications he had had with those who opposed the measure, and those communications were innumerable, he had exhorted those who had asked his opinion, to confine their resistance to legal and constitutional opposition. How long, however, the present state of things might continue—how long the people might endure to see the poor trampled on and oppressed, he would not venture to say; but, whatever might be the result, he should have the satisfaction to feel that he had discharged his duty. With respect to what the noble

Lord at the head of her Majesty's Government had said of the expense which the return he had moved for would cause, he begged leave to say that he had no wish to press his motion to a division. He was satisfied with the return which had been made to the other House in regard to the number of persons who had petitioned against the New Poor-laws, as that return showed, that while only 952 persons had petitioned in favour of the new system, those who had petitioned against it were not less than 600,000—if it was considered, that a number of the petitions were signed by the chairmen of public meetings only, although they represented the feelings and opinions of thousands. Convinced of the rectitude of the course he had adopted, and feeling that the Poor-law Amendment Act was most oppressive to the poor, while it had not effected such a saving as had been represented, although he admitted that a saving had been effected, he should, after Easter, bring forward a motion with a view to elucidate the amount of the supposed saving, and to show how that saving had been effected.

Lord *Brougham* said, it seemed to be the fate of those who attacked this measure, that whenever they came to particulars they always failed of attaining the object they had in view. But only one name had been mentioned during the debate, only one authority had been quoted, and that was Mr. Bowen, and in that instance the case had broken down. He had the greatest respect for Mr. Bowen, but he would say, that his conduct in the matter which had been alluded to, did detract from the confidence which he had previously placed on that respectable individual—he said respectable, for Mr. Bowen had raised himself to his present position by his own merits. Mr. Bowen had brought a grave charge against the assistant Poor-law Commissioner, Mr. Weale, and in reference to that charge, he (Lord Brougham) had received a letter from the board of guardians, in which it was stated, that they had seen with surprise certain letters in a newspaper, complaining of the conduct of their assistant Commissioner. They expressed themselves convinced that the statements contained in those letters would produce a bad effect, and might prove injurious to Mr. Weale, and they, therefore, transmitted two resolutions of the board, passed unanimously, in order to shew how little Mr. Bowen's opinions of the conduct of Mr. Weale were shared by his former colleagues. They stated, also, that Mr. Bowen had absented himself from the meetings of the board, and had not brought the charges he had made against Mr. Weale before it. That, surely, was not the course he ought to have adopted, and he was sure the noble Lord would not approve of his conduct, for the noble Lord had himself adopted a very different course, and had come forward in a manly way, and openly made his complaints against the system he opposed. But Mr. Bowen had absented himself from the meetings of the board of guardians, and instead of attending the board of guardians had attended the board of a newspaper, and in that paper he had attacked the assistant Commissioner, Mr. Weale. Now, he thought there was but too much cause to complain of such a course, for such attacks, besides wounding the feelings of private individuals, often scared them from doing their duty. But that was not all, for Mr. Bowen had also brought a charge against the board of guardians, and for no other reason, as far as could be seen, but because the members of the board had sided with their assistant Commissioner. The board defended themselves, they appointed a meeting of their whole number, and they served Mr. Bowen with a notice of that meeting, and informed him that they were ready to investigate all the charges which had been brought forward. What did they do? They met, Mr. Bowen absented himself, and the charge against them was, that they had sat as their own judges, and passed resolutions in their own favour. But what was the fact? Mr. Bowen, although served with a notice, did not appear, and such conduct, in his opinion, tended to injure the confidence which he was willing to repose in any statement made by Mr. Bowen.

Lord *Wharncliffe* disapproved of the course which had been pursued by the noble Earl (Stanhope), as the noble Earl had refused to move for a Committee of inquiry into the charges he had brought forward. The noble Earl had made certain charges, and he called upon the noble Earl to make those charges good, as they tended to injure the feelings and character of individuals. All those charges affected the principle of the Bill, and they ought all, therefore, to be inquired into. The course pursued was unfair, and unless those who made those charges against individuals who had a delicate and important duty to perform came forward and proved their truth, the fair and manly course was to make no complaint at all.

Motion for returns negatived.

HOUSE OF COMMONS,

Tuesday, March 20, 1838.

MINUTES.] Petitions presented. By Sir R. PEEL, from the Clergy of Down, for additional Church Accommodation; from Evesham, against the Municipal Boundaries Bill; and from a place in the county of Cork, for some arrangement as to tithes.—By Colonel SALWAY, from Ludlow, and by Mr. PEASE, Mr. VERNON SMITH, and Mr. BARNARD, from several places, for the abolition of Negro Slavery.—By Mr. HUME, from Worthing, in favour of the Ballot, and from Dissenters in Scotland, against the King's Printer's monopoly of printing the Bible.

COUNTY CORONERS BILL.] Mr. *Pakington*, in rising to bring forward the motion of which he had given notice, on the subject of county coroners, entreated the indulgence of the House, of which he stood in great need. He was about to propose very considerable alterations in one of the most ancient and important of their institutions; and he felt diffidence in approaching the subject when he considered that one of the oldest and most experienced Members of that House, his hon. Friend, the Member for Cirencester, had been baffled in his many endeavours to bring about that alteration. He regretted that the subject had not been brought forward by her Majesty's Government, as it was one well worthy of their consideration. The object of this Bill was principally to put an end to the vexatious and harassing contested elections by which many counties in the kingdom have been at various times disturbed. He wished to see men capable of filling the situation obtain it without the ruinous expense it had hitherto entailed upon them, and he wished to increase the compensation which had hitherto been awarded to these functionaries. It was not necessary to detain the House by pointing out the anomalies and inconveniences of the present system. Three modes had suggested themselves which have all been made the subjects of enactments submitted to that House. One was, to restrict the franchise by disfranchising all below the value of forty shillings, and confining it to those who had a right to vote for Members of Parliament for counties. Another mode that had been thought of, was to disfranchise the freeholders altogether, and give the power to the Crown. The third mode was to disfranchise the freeholders, and transfer the choice to the magistrates at quarter sessions. With regard to the first he thought there was a great and insuperable objection, for although the franchise would be restricted, the great evil which had hitherto existed would not be removed. The contests in these elections were almost exclusively of a political character, and were trials of party strength. If the franchise was restricted to the voters for counties he thought the same evils would go on, and the expense attending elections would be but very little lessened. With respect to the second mode, he did not think it would be productive of good; and as to the third, the transfer to the magistrates at quarter sessions, there were certainly objections, but of the three modes it was decidedly the best. One objection which might be made to the Bill was, that it would introduce party spirit on the bench, and disturb the unanimity amongst the magistracy. He could not subscribe to that opinion. He believed, that the magistrates generally — he knew that the county which he had the honour to belong to—in the discharge of their public duties were as free from party bias as it was possible for human nature to be. He might be told also, that by his Bill he was taking away a right which had been exercised by the freeholders from time immemorial. He could, however, cite instances where the Houses of Parliament had for the public benefit taken away individual rights. He would instance the case of the forty-shilling freeholders in Ireland, whose rights were abolished for what was considered a great public benefit. He would also instance the case of the Municipal Reform Act, which in many instances had a disfranchising power. He would instance under that Bill the case of Macclesfield, which, previously to the passing of that Act, possessed a coroner for the town separate from the county, and he was elected by the freemen of the town. By the Municipal Reform Act that office was abolished, and the rights of the freemen were taken away. The present mode of electing the coroner by the freeholders at large was an antiquated custom, and not in accordance with the present distribution of property. He thought it was right, that some mode of selecting the person who was to discharge the judicial duties of coroner should be adopted, by which the public would be assured, that the fittest person would be appointed to that office. He thought it would be also right, that parties who might have the honourable ambition of wishing to fill the office of county coroner should not be exposed to the ruinous expense that was at present entailed on them. He was desirous of assimilating, so far as he could, the election of county coroner to the mode in which the coroners for cities were chosen under the Municipal Reform Act. The Municipal Corporation Act gave the appointment of the city and borough coroners to the town councils; and although he did not think they offered the best precedent, because they were elective bodies, yet there was some analogy between them and those bodies to which his Bill proposed to give the appointment, namely, the magistrates in quarter sessions. Another provision of his Bill was, to divide counties into coroner's districts—another to give coroners the power of resigning their office, which, at present, they had not, without incurring much expense and trouble, by application to the Lord Chancellor. Another provision was, to attach to the jurisdiction of the nearest district coroner detached portions of counties, which in some cases were at considerable distances from the counties to which they belonged. He also proposed to increase the fees and allowances to coroners. He believed he was right in stating, that Parliament had, in all cases where it was shown that the remuneration of these officers was inadequate as compared with the duties which they had to perform, readily assented to every proposition that had been made to increase it. Where there was a number of candidates for the office, and they did not object to the amount of the remuneration, it was thought by some, that that was sufficient evidence that it was equal to the nature of the duties to be performed by them. He did not think this, however, a fair way of looking at the question. He thought they ought to look more to the respectability of the office and to the importance of the duties appertaining to it; and if they did so they would find, that the present rate of remuneration was anything but adequate to them. He would not detain the House by going into calculations with respect to the changes which he proposed in the amount of fees. He would just state generally, that he would limit himself to the same additions that had been made by the Bill brought in by his hon. Friend near him (Mr. Cripps) last year, viz., that to the increase of 1*l.* 6*s.* 8*d.* given by that Bill, there be a further increase to 30*s.*; and that, instead of receiving 9*d.* on the way, they should receive 9*d.* each way, and be compensated for all travelling expenses. There was another point to which he would beg to call the attention of the hon. and learned Gentleman opposite (her Majesty's Attorney-General); but at the same time he begged to state, that he intended it rather as a suggestion than as a point material to the objects of this Bill. By the Bill which had been brought in on a former occasion by the hon. and learned Gentleman directions had been given to the Courts of Quarter Sessions to prepare a scale of fees, the consequence of which was, that in no two counties were the fees equal. Now he would wish to know whether in proceeding with a Bill of this kind it would not be desirable to take the opportunity of equalising the fees all over the country? There only remained one other subject to which he requested the attention of the House, and on which he begged to address himself to the hon. Member for Bridport, who had for many years originated a motion on the subject he was about to mention—he meant the important question whether or not, in a Bill of this kind, it was necessary that a declaratory or enacting clause should be introduced that the courts of coroners are of necessity open. An attempt to introduce such a clause into the present Bill would have the effect of preventing its passing in another place. After what had passed last year he thought it would be better to bring in a special Bill for this purpose than to endanger the present by taking such a step. The hon. Member concluded by moving for leave to bring in a Bill to alter and amend the laws relating to the office of county coroner.

Mr. *Cripps* seconded the motion for leave to bring in the Bill. The subject was one that he had brought forward three different times most thanklessly for the last two years; but he trusted the difficulties he had met with would not beset the hon. Member who now brought it forward. He objected to giving the whole of the power of appointing coroners to the magistrates at quarter sessions, but still he agreed with his hon. Friend that some change was absolutely necessary. He was in favour of giving to the country constituency in this respect all the advantages which they could derive from their franchise under the Reform Act. He wished the hon. Member success with his Bill, and he hoped that his own objections would be removed.

Mr. *Warburton*, although he would not then absolutely object to the bringing in of the Bill, would, when in Committee, give to some of its clauses his most decided opposition. The hon. Member for Droitwich professed to base his Bill upon the Municipal Reform Act, which gave the appointment of coroner to the town councils; but there was no analogy between the town councils and the magistrates in quarter sessions. The town councils were elective bodies; and, although the election was not quite popular, yet it was nearly so, whereas the magistrates in quarter sessions were not at all elective. It would be subversive altogether of the objects of the institution of coroner to give the appointment to the magistrates, whose conduct it would be the duty of the coroners to investigate. For instance, in a case where lives had been lost in a riot the question for the coroner might be whether there had been sufficient cause to justify the magistrates in ordering the Riot Act to be read. It was important that the judicial officer who had that inquiry to conduct should be properly chosen, and not appointed by the magistrates. The office was one which, above all others, ought to be held by popular election; but he had no objection to a better regulation as to the mode of election. Unless it was declared that coroners' courts were to be open he thought that in the instances where the conduct of the Government or the magistrates was to be investigated the public would be excluded. Such being his opinion, he should, in Committee, move the insertion of a clause that the courts of all coroners should be open.

Mr. *Wakley* hoped the House would not sanction the introduction of this Bill, which he considered in many points much more objectionable than that which had been introduced so often, and at last abandoned, by the hon. Member for Cirencester. One of the objects of the proposed Bill was greatly to increase the pay of county coroners, and double the mileage they received under the Act of last Session. In the next place, it proposed to disfranchise nearly a million of votes, without imputing to them any corruption or misconduct, and transfer the election of an officer who was peculiarly their judge, appointed to protect their privileges and watch over their interests, to the almost irresponsible power of the magistrates at quarter sessions. He thought that a most objectionable proposition, and one which he hoped would never be sanctioned. The office of coroner was one in which the people took the deepest interest, being one of the few which had not been interfered with by any of the modern innovations called improvements. It seemed to be the determination of the House to maintain the Poor-law Amendment Act; if, then, any alteration were to be made in the mode of electing coroners, he thought the most desirable class of persons to be fixed on for appointing those officers would be the boards of guardians in the unions. At all events, he hoped the House would at once, without ceremony, reject this Bill, and urge the executive Government to take so important a matter into their own hands.

Sir *G. Strickland* was most anxious to concur in any measure which would have the effect of increasing the respectability and efficiency of the office of county coroner; but anything that seemed good in this measure was much more than counterbalanced by its objectionable features. He altogether repudiated the principle of depriving the freeholders of the right of electing the coroner, and giving it to the magistrates; nor could he regard the proposition of the hon. Member for Finsbury (Mr. Wakley) as in the slightest degree less objectionable.

Sir *E. Knatchbull* had great respect for the office and functions of county coroners; at the same time he thought it would be much better, if, instead of there being only three or four persons who could exercise those functions within large counties, every considerable town had an officer of its own. He could not give his consent to the introduction of this Bill, because, in the first place, it would take from the freeholders the right they now possessed of electing and appointing coroners—a right which he never would invade, while, at the same time, it would impose a very heavy additional expense on the counties.

Lord *J. Russell* considered the main principle of the bill to be to transfer the appointment of coroners from the freeholders of counties to the magistrates at quarter sessions, an innovation which he thought it would not be at all advisable to introduce. He should have had no objection to a bill being brought in to regulate many details connected with the office of coroner, which certainly were not on a very satisfactory footing. But for the amount of important business already before the House, it would have been fit that some bill on this subject should have been introduced by a Member of the Government, and seriously considered by the House; but at present the only question being whether leave should be given to the hon. Gentleman (Mr. Pakington) to introduce a bill which contained that novel principle, acting on the conviction that no amendment could be proposed in detail that should induce the House to agree to so great an alteration in principle, he should give his negative to the motion.

Motion withdrawn.

GRINDING FOREIGN CORN IN BOND.] Colonel *Seale* rose to bring forward the motion of which he had given notice—namely, for leave to bring in a bill to admit, under certain regulations, foreign corn bonded in this country to be ground in certain mills and manufactured for exportation only. He understood that it was necessary in point of form that he should commence with the preliminary motion, that the House do now resolve itself into a Committee of the whole House, to consider the regulations under which foreign corn was admitted to be bonded in this country. If he succeeded in that motion, he would move a resolution in the Committee with a view to introduce a bill, the provisions of which he would proceed to explain. The first would be a provision to empower the Commissioners of Customs to approve of the erection of certain buildings of a peculiar construction, for the bonding of foreign corn manufactured into flour. The second would be a provision to enable the Commissioners to deliver foreign corn bonded in this country to persons hiring or occupying such premises as he had already described, on the condition that within a certain time—say two months—the corn so manufactured into flour should be exported from this country, or else should be delivered back into bonded warehouses under the Queen's locks for exportation. The third would be a provision requiring further securities than those now required by law. The other provisions would contain penalties on persons who might be guilty of irregularities, or who might deviate from the law. The object of the bill, which he asked leave to bring in, was to enable our merchants trading to foreign countries, and particularly to our colonies, to lay in their supplies in the ports of the United Kingdom to a greater extent than they did at present, instead of being driven, as they were under the existing law, for their supplies to Copenhagen, to Hamburgh, to Dantsic, and to any ports in the Baltic which might be open to them, at very great inconvenience and loss of time. If his measure should be carried, it would open a very great and profitable trade to our merchants. It was said, however, in some quarters, that his motion was nothing else but a motion to repeal the present system of Corn-laws by a side wind. He disclaimed all such intentions in bringing it forward, and he furthermore denied that it would have any such effect. For his own part, he could not find out any connexion between the two questions. On the contrary, he thought that his bill would have a tendency to strengthen the Corn-laws, as it would weaken the opposition to them now felt by the mercantile community. He also denied that his bill would have any tendency either to introduce or to promote smuggling in foreign corn, for, as he had before stated, all foreign corn manufactured into flour on those premises was either to be exported within a given time, or to be returned back to the Queen's lock. He called upon the noble Marquess (Chandos), who, to his own honour, took such a prominent part in promoting the agricultural interests, to consider whether this bill was not eminently calculated to promote those interests. As the propounder of this measure, he had no wish but for inquiry; in point of fact he was most anxious that it should undergo the fullest discussion. If he should obtain leave to bring in his bill, he should hope that it would be read a first time without opposition. He would not move the second reading of it till after Easter. In the mean time it could be printed, in order that the agriculturists might have time to consider the securities which they might deem necessary to the protection of their interests. He begged to assure the House that in bringing forward this motion he was actuated by no wish to depreciate the value of landed property, or to injure the interests of agriculture. He depended on agriculture for his income; and he believed that this measure would benefit instead of injure the farmers. The hon. and gallant Member concluded by moving that the House resolve itself into Committee for the purpose above mentioned.

Mr. *Collier* seconded the motion. He did not support this measure, as a step to the repeal of the Corn-laws, and he would not do so if he thought it would prove injurious to the landed interest.

The Marquess of *Chandos* thought, the proposition of the hon. and gallant Member was neither more nor less than a second edition of the motion for a repeal of the Corn-laws lately made. He was persuaded that extensive frauds would be committed during the process of removing the corn from the Queen's warehouses, and that a great alteration in the price of corn throughout the country would take place. The hon. Member's bill would, in fact, if carried, go far to repeal the Corn-laws, and he therefore thought it fair to state, that he should give it all the opposition in his power in its passage through the House. He was aware that her Majesty's Ministers took a different view of the question, and intended to support the hon. and gallant Member's motion. He regretted this extremely, remembering the course they had taken a few nights since on the question of the repeal of the Corn-laws, and he certainly could not have expected that they would so soon support an extensive alteration in those laws.

Mr. *Warburton* said, it appeared to him that the present question differed totally from the question of a repeal of the Corn-laws which had been lately before the House. The question they had discussed a few nights since was, whether they would allow corn to be imported for the consumption of the inhabitants of this country; that which they were now considering was, whether they would allow it to be ground at home, not for home consumption, but for exportation. The mercantile and manufacturing interests would be greatly benefitted if the House should determine to grant that permission, for a new branch of trade to the colonies and foreign countries would be opened, which would afford room for the investment of a large amount of capital, and give employment to a great number of labourers, while he held it to be wholly impossible that the agricultural interest should suffer in the smallest degree. The country Gentlemen opposed this motion because they professed to think that corn could not be kept safely under the Queen's lock, and that the duty on it would be evaded; but the Queen's lock was trusted in all other cases of imported goods, some of them articles of far greater value in proportion to their bulk. The resistance to this motion was, in fact, a pure case of selfishness on the part of the agriculturists; who, because they chose groundlessly to fancy that this partial relaxation of the present Corn-laws would lead to their total repeal, insisted on excluding the other classes of the community from an important and lucrative branch of commerce. It would be easy, by exacting ample security, to take effectual precautions that not a single grain of corn should be exported less than the amount previously imported. The benefits conferred on the shipowners and the inhabitants of seaport-towns, if the hon. and gallant Member succeeded in his object, would be considerable. He hoped, therefore, that all hon. Members connected with the shipping interest would support the motion.

Sir *E. Knatchbull* denied the charge of selfishness, brought against the agriculturists by the hon. Member for Bridport. If corn could be kept with security under the Queen's locks to be ground and then exported, without the risk of fraudulent tricks, he would not object to a motion for the purpose; but he understood this question to be essentially different. He understood the hon. and gallant Member's proposition to be substantially this—let corn be ground in the Custom-house while under lock, but as soon as it is ground into flour, let the person whose property it is take it out to the markets of this country and sell it. He understood it so undoubtedly, and if such were the nature of the proposition, there would be no security for the British grower, in the event of its being carried. If the corn, however, were not to be brought into the British market, but to be exported again, he should not entertain any great objection to the motion, though he hardly expected that it would be productive of much good. He hoped the right hon. Gentleman, the President of the Board of Trade, who was perfectly cognizant of, and well versed in, the details of this subject, would state his opinion to the House, and he (Sir E. Knatchbull) begged to ask the right hon. Gentleman whether, in case he thought that this measure could be of use to the mercantile interest without injuring the landed interests, he did not think that it ought to be taken by Government into its own hands? This, he felt sure, the Government had no intention of doing.

Mr. *Poulett Thomson* rose, with great pleasure, to answer the call that had been made upon him by the right hon. Baronet. He could assure the right hon. Baronet that he was glad to find, from what he had stated, that they entirely understood each other. As the right hon. Baronet had done him the honour to appeal to him for his opinion he would give it, and, in doing so, he thought he might safely refer to his conduct on a former occasion when this subject was under discussion, for the purpose of showing that he was not disposed to do anything by a side wind, which would, in the slightest degree, defeat the Corn-laws, or anything by which the landed interest could be deprived in the least degree of the benefit, if one it were, which the present state of the laws afforded them. Last year, it would be in the recollection of the House, a bill was introduced by Mr. Robinson, the Member for Worcester, for grinding bonded corn, the plan of which was proportional, or in other words, that a certain amount of foreign corn should be taken out of bond, and introduced into the consumption of this country, and that a certain quantity of English corn should be exported in lieu of the foreign corn thus introduced. To this proposition he had refused his acquiescence, because he was of opinion, that it would give rise to fraud. But the proposition of the hon. Member for Dartmouth (Colonel Seale) was of an entirely different nature. That hon. Member seemed scarcely to have done justice to his case, but as the hon. Member had been good enough to show him the bill which he had prepared, he would speak of the bill rather more than of the explanation of the hon. Member. The bill which the hon. Member proposed to introduce, as he read it, went simply to this extent, that corn which was in bond in this country might be ground under the Queen's locks, and that the whole produce, whatever that produce might be, should be exported, security being given for the exportation of the whole. The right hon. Baronet appealed to him, and asked him whether he could get up in his place and conscientiously say, that he believed that it was impossible that any fraud could, under security of this kind, be carried into effect upon the custom laws of this country? He had no hesitation, as far as his own information went—and he could certainly give a most decided opinion on the subject—in saying that no fraud could, by possibility, take place. The noble Marquess opposite (the Marquess of Chandos) said, that he considered that fraud would take place. He begged leave to remind the noble Marquess what was the present state of the law and the practice with regard to every article which was imported into this country. But first of all, with regard to the security of the Queen's locks, the whole preservation of the revenue of the country depended upon the security of the Queen's locks. Take, for instance, the article of tobacco. There was a duty upon tobacco of a thousand per cent., and they had no security whatever that tobacco would not be smuggled out of the docks except that which was given by the Queen's locks. Then, again, sugar paid a duty of one hundred per cent., and there was no security that it would not be smuggled but for these locks. On coffee the duty was also high, and yet they had no security but the Queen's locks. If these locks were liable to frauds, if they could be picked (to make use of the expression of the other side), he begged leave to ask, what would be the folly, the insanity of those persons who, having the power which the picking of the Queen's locks gave, should apply that power to corn, which paid a duty of twenty-five or thirty per cent., and did not rather apply it to tobacco or sugar, which were paying, the one one thousand and the other one hundred per cent. He might mention other instances in corroboration of his opinion that it was utterly impossible to doubt the security afforded by what was called the system of lock. He would, however, come to the second point, namely, whether, in the process of the transmission of the corn from one warehouse to another for the purpose of grinding it under lock, the lock being equally applied to the first and second warehouse, some fraud might not take place? It had been a constant practice, recommended by himself, and enforced by the Treasury, to allow persons to manufacture certain articles under lock. They did so with regard to metals, and with sundry other articles, and yet, by no possibility, could fraud be committed. In the process proposed by the present bill, he did not conceive that any fraud could possibly take place. He did not state this as an advocate for the measure, for he did not concur with the hon. Member who moved it as to the extent of the benefit that was likely to be derived from it. It was not, therefore, as an advocate for this measure that he gave it as his conscientious opinion that he could not see the possibility of fraud being committed under the regulations that would necessarily be introduced. He would even go so far as to say, that the bran of the corn that was ground should also be exported as well as the corn; and, indeed, unless this were the case, he would not agree to the bill. He must say, that the view taken of this subject by the right hon. Baronet, the Member for Kent (Sir E. Knatchbull) was honourable. As he (Mr. P. Thomson) stated before, he did not anticipate from this bill the great benefits stated by the hon. Mover of it. They had been told that this measure would be of little or no use, unless they consented to the measure of last year. His answer was, that if this measure was of no use, the other could be only serviceable for fraud. But he was inclined to think that the present bill would be of some practical utility. He believed that a very considerable change had taken place in the last three or four years in the state of corn and flour in the markets of the United States and the West Indies. Formerly the United States supplied not only themselves with corn and flour, but they exported largely. Of late years, either from the increase of population or from inferior crops, instead of largely exporting, the United States had been considerable importers of corn. It might then be said, why not take corn out of bond here and transport it to the United States for consumption? Now, it was this consideration which made him think there would be some advantages to be gained in this quarter. It was not corn which was brought down from the higher parts of the country in the United States to the seaboard, but flour, all their means of grinding corn being confined to the upper parts of the country. There were no mills on the seaboard. If, therefore, we were to send them corn to the seaport towns in a time of scarcity, it would not be worth their while to erect mills on the seaboard, nor could they afford to send it up the country to be ground. Consequently, he begged to represent to the noble Marquess opposite, who he knew did not much like to see large quantities of corn accumulated in bond, that we could not send supplies to the people of the United States, nor get our warehouses emptied of the bonded corn. Very nearly the same thing took place in the West India islands, where there was no convenience for grinding, and where they had always been supplied with flour, and where in the course of the last year and the year before, he knew perfectly well that they had been paying a much higher price for flour from the United States than they need have paid, if they could have got flour from England. If they could get bonded corn in England ground so as to make it serviceable, they could supply themselves in the West Indies at a much cheaper rate; but in consequence of there being no facility here of grinding the bonded corn, the West Indians were obliged to pay a high price. These circumstances certainly were not of a permanent nature, but they might become so; and, at all events, fluctuations of the seasons were constantly occurring, from which considerable benefit might be derived, if the opportunity were allowed. These were, it was true, not permanent circumstances at present, but they might easily become such; therefore, he was of opinion, that some advantages might arise from giving the power to grind. But his fair and honest opinion was, that not so much advantage could be expected from the measure on the whole as its advocates anticipated. But with regard to the opinions entertained by others on the point, there arose a consideration of a moral nature, which he begged to press on the attention of hon. Gentlemen opposite. That the benefits which might arise from the measure would be large, he did not think, but this was the firm conviction of a very large body of merchants and manufacturers, and he begged to ask hon. Gentlemen opposite was it worth their while to stand in the way of the expectations of those parties, the merchants and manufacturers of the country, for the sake of what must and would prove imaginary? With regard to himself, he did not believe that the landed proprietors of England wished to stand in the way of the manufacturing interests, and he should be extremely glad if the event was to allow his hon. Friend to bring in his bill, subject, of course, to all the checks and restrictions which could be devised for security against smuggling; but if the measure had any thing to do with the Corn-laws, he should say to hon. Members opposite "Stand out, stand out," because he thought by so doing they would further his own views on the subject of the Corn-laws; for let them do this, and they would soon raise such a feeling in this country against those laws as they would not find it easy to master. If the merchant and manufacturer were told that a request like this of the hon. Member, to bring in a bill which could not by possibility affect the Corn-laws, had been rejected, then they would begin to think, "Why now, then, is the time to press forward our particular views on the Corn-laws." Entertaining these opinions, and having, he trusted, answered the question of the right hon. Baron opposite, he would only say, that he hoped most sincerely that the bill might pass, with proper safeguards and securities against fraud, and if any more efficient securities and safeguards against every species of fraud could be devised, he should be most happy to give them his best support.

Sir *J. R. Reid* begged to return thanks to the right hon. Baronet, and the President of the Board of Trade, for the manner in which the question of the right hon. Baronet had been put, and the manner in which it had been answered. If the measure militated in any way against the agricultural interest, he would not give it his support; but, the contrary, as far as he could judge, being its probable effect, he should vote for the motion of the hon. Member for Dartmouth.

Mr. *Liddell* said, that he had brought his mind to the consideration of this subject, free from the influence of any bias towards one side or the other; and after the assurance of the right hon. President of the Board of Trade, that no risk was to be apprehended to the agricultural interest from this measure, if there were found sufficient securities provided in the Bill against smuggling, such securities, in fact, as were promised, being persuaded, that so far from an injury or disadvantage resulting from the measure, the landed interest would find it opening to them another resource, he should vote for the motion.

Mr. *M. Philips* said, that as ample security as was possible had been offered for the honest intentions, with respect to the Corn-laws, of the hon. Member for Dartmouth, and, indeed, of every hon. Member on that side of the House who supported the motion. The question was one of great importance to the shipping interest. He believed that it was of great importance to let corn come into this country to be ground, and again exported at certain times of the year, when the ports of the Baltic were shut up. Another consideration was, that on occasion of the scarcities in the United States, and West Indies, to which allusion had been made, considerable investments were made on the Continent, in order to procure a supply of flour to send thither. He wished to see this field for investment opened to the British capitalist. He denied that it was the intention of his hon Friends, in supporting the present proposition, to trench upon the Corn-laws. Hon. Members on the Opposition side of the House disliked the principle and enactments of the Reform Bill; but yet, as it had passed into a law, they held themselves bound by its provisions. In the same way, hon. Members at his side of the House, though they disliked the Corn-laws as much as hon. Members at the opposite side disliked the Reform Bill, yet they held themselves bound to submit to the Corn-laws as long as they were law, and they would not, by a side wind, or indirect method of proceeding, countenance any proposition which would trench upon them, whether they were good or bad. With respect to the objection, that the grinding of corn in bond might be made a handle for fraud, he contended that it was not so liable to fraud as many other valuable articles, which were constantly and regularly laid up in bond. Let them take the case of cigars for instance, and many other articles which would readily suggest themselves to hon. Members. Fraud, in the case of corn, a bulky and unwieldy commodity, would be much easier detected than in any other article in bond. Indeed, it was not likely that it would be attempted. He entreated the noble Marquess opposite (the Marquess of Chandos) and his supporters, to disabuse themselves of the idea that there was any indirect or covert object meditated in the passing of the proposed Bill. There was one point to which he wished to direct the attention of the House, though it would be more properly and conveniently discussed in Committee. He alluded to the allowing the bran which remained to be sent into the country, and sold for agricultural purposes. He did not believe, that the agricultural interests of the country would at all suffer from allowing the bran of the bonded corn to be applied in this country to agricultural purposes. The disposal of that article appeared to him (Mr. Philips) to be almost the only question upon which any doubt could be entertained. The matter might be fully discussed in Committee. By allowing the proposed measure to pass into a law, he thought they would be materially benefitting the mercantile interests of the country, and securing for it a trade which it did not heretofore possess.

Mr. *A. Chapman* agreed with the right hon. Gentleman opposite, the President of the Board of Trade, that it was altogether impossible that fraud could take place, by allowing foreign corn, in bond, to be converted into flour. He spoke from his own knowledge of such matters, and upon twenty years experience of the London Docks, during which period he had never known of even the least abstraction of valuable property, or of any neglect which could bring bonded warehouses into disrepute. He thought they might as well allow captains of vessels to take out flour with them, as to take it in at Hamburgh. By allowing foreign flower to be exported, they would give employment to a great number of industrious persons, and no detriment could arise to the agricultural interests.

Colonel *Sibthorp* was disposed to give the hon. Member credit for sincerity in what he had stated to the House, though he could not agree with the right hon. Gentleman in his opinion as to the harmless nature of the Bill. He objected to it, because he thought it was a direct encouragement to the importation of foreign corn, an evil which the Corn-laws were passed to guard against. He cautioned the House against putting any confidence in the right hon. Gentleman opposite (the President of the Board of Trade) or his supporters, in this or any other matter. He had a very great respect for the Queen, but the Queen's locks were very different things. Of the security or integrity of these he did not entertain a very high opinion. He wished to God that her Majesty's Ministers would take his advice. If they did they would walk out of the House on the present occasion, and allow the two parties to fight the battle fairly without their interference. That, however, they would not be allowed to do, in consequence, no doubt, of some Downing-street arrangement.

Colonel *Wood*, notwithstanding the alarm which had been expressed by the hon. and gallant Member for Lincoln, could not help regretting that the noble Marquess should have felt it his duty to take the sense of the House upon the present question. If he thought for a moment that the Bill would, in the slightest degree, invade the principle of the Corn-laws, he should vote against it. He believed, on the contrary, that it was in strict accordance with the spirit and principle of the Corn-laws, and of the resolutions upon which the Corn-laws were founded. When the Corn-laws were changed in 1815, and new laws were passed to regulate the importation of foreign corn, certain resolutions had been agreed to by the House, the first of which was that all corn from foreign countries might be imported into this country and placed in warehouses duty free. The second was, that such corn, so imported and warehoused, might, if desired be exported duty free. The third resolution stated the circumstances under which such foreign corn in bond might be taken out and used for home consumption, namely, when such an advance in the price of wheat took place that there came a scarcity, and the country needed an additional supply. He was of opinion that the proposed plan would merely carry into effect the two first of these resolutions, and facilitate the exportation of corn. He would never support the Corn-laws, if they were passed only for the base and paltry purpose of propping up one of the great interests of the country at the expense of the other. Those great men who advocated the Corn-laws in their speeches in 1815 distinctly denied any such intention, their object being to unite all the great interests of the state. He thought it would be better that Government should take the matter into their own hands. The occurrence of fraud was unlikely, as it was not a very easy thing to smuggle a load of corn or a bag of flour. All that the agricultural interest was entitled to was protection against the importation of foreign corn, as long as they had a sufficient home-grown supply. For these reasons he trusted that the noble Marquess would not persist in his intention of dividing the House.

Mr. *G. Palmer* was of opinion that if the Bill was passed, not a single atom of flour, bread, or biscuit, of British produce would be taken out by captains of ships. They would be wholly supplied and victualled with the foreign corn in bond, which would be had upon cheaper terms than the home produce.

Mr. Alderman *Thompson* said, that this measure would be beneficial to the merchant, inasmuch as it would convert an unmerchantable into a merchantable commodity, and let loose a large amount of British capital invested in foreign wheat. Immense capital had been employed in other countries in mills for manufacturing flour. Though he was no friend to the Corn-laws, he would not be a party to any indirect measure against them; but he was satisfied that alarm was felt at a shadow.

Lord *Worsley* could not give his vote against the measure when he saw interests that would be benefited by it, and could not conscientiously say, that the agricultural interests would be injured. He should, therefore, support the first reading of the Bill. He had come down to the House intending to oppose the Bill; but he could not do so after what he had heard in its favour.

Mr. *Plumptre* said, he could not conscientiously give his support to the introduction of this measure. He should, however, name the particulars of the grounds of his opposition on another opportunity, should it occur. He candidly acknowledged that if he supported this proposition he could not face his constituents. He regarded this measure with distrust when he considered it on its own merits: but if he had a doubt on the point, the fact that this motion was supported by her Majesty's Ministers would be with him decisive; for he considered them incapable of originating or supporting any measure for the public good.

Lord *Sandon* was inclined to give the parties who were in favour of the present application the benefit of an experiment. He perfectly agreed with the hon. Member for Essex, that the offal was unfit for exportation, and it ought therefore to be turned to the best advantage of which it was capable.

Mr. *W. Roche* felt compelled to state the views of his constituents as urged in several petitions presented to that House. They were of opinion that this experiment could not be made without fraudulent practices, and that mercantile men should not be compelled to adapt their course of business to a state of things different from that on which they had originally speculated.

Mr. *Philip Howard* said, that the hon. Baronet, the Member for Northamptonshire, formed a low estimate of the capacity of his constituents, when he stated his intention to oppose the Bill because the securities offered for the protection of the agricultural interest would be unintelligible to them. To the shipowner, as well as to many classes of industry, to bakers, coopers, and millers—the Bill, which withdrew no fair protection from the British corn growers, would be a considerable gain. As the law at present stood, owing to flour and bread manufactured in a foreign country, and used for ship stores, not being liable to duty, provided the ship be bound to a foreign port, it is the practice to import large quantities both of flour and bread from Dantzic, Hamburgh, and America, which is entered here in bond and sold for victualling ships. If the Bill before the House were allowed to pass, all these articles would be prepared in England—would benefit the artisan without injury to the British farmer. To prevent fraud it might be desirable to license mills on the same principle as the present bonded warehouses. British vessels going to Hamburgh and other ports of Europe, take in bread sufficient for several voyages. Newfoundland and many of our colonies are now supplied with corn from America, which, though a small duty may be paid, is manufactured in the United States; but should the Bill pass, that flour would be made in England. There is now a large amount of capital locked up in bonded corn, a great part of which would get into circulation should the measure become law, and greatly assist the commerce of the country. Indiamen, for instance, and all ships going long voyages, buy nothing but flour and bread prepared in foreign ports. The vigilant and enterprising monarch who now rules the destinies of France, had established at Ville D'eu, in Normandy, large magazines for supplying all ships touching there with flour and bread; and although he might be quite right in profiting by our oversight, there was no reason why the British merchant and manufacturer should be debarred from competition. His hon. and gallant Friend (Colonel Seale) had stated his willingness to submit his motion to the consideration of a Select Committee; but now that the Bill was not likely to encounter so formidable an opposition as he anticipated, he trusted his hon. Friend would abandon a project so likely to retard the progress of the measure to which

Colonel Seale signified his assent. He had risen to second the motion of the hon. and gallant Member, and should have great satisfaction in giving it his support.

Mr. *Miles* asked the noble Marquess to allow the Bill to be introduced, and to watch its provisions, taking care that sufficient guards were provided. If, on the second reading, the Bill was proper to be adopted it could be adopted; and it would show that those who supported the agricultural interests in that House could feel for others who were bound by the same link. But if the guards were insufficient, then it could be rejected, for the agricultural interest leagued together, formed a body which no Administration coulds uc cessfully resist.

Colonel*Rushbrooke* said, he was afraid of rogues in grain, and that it would be impossible to guard against evasion. More, he thought, in this measure was meant than met the ear.

Mr. *Miles* asked his noble Friend (the Marquess of Chandos) to allow the Bill to be brought in, with the view of seeing whether it could be supported on the second reading. By this proceeding, those who supported the landed interest in that House would prove that they considered themselves bound, by the principles of a common fraternity, to promote the general interest of the community.

Mr. *Villiers* said, that there was one sentiment uttered by the hon. Member who had just spoken, that he so entirely agreed with, that he could not forbear rising to express his concurrence in it; namely, that there were so many rogues in grain in this House, that it was difficult to know what course to take on this measure, and if he wanted any illustration of that, he should refer to the debate last night, which was highly instructive as to the spirit and object of our legislation; for he observed that the debate opened to-night with a speech from the noble Marquess in that sturdy and exclusive spirit with which he was used to advocate the interest of the landed class, and disregard the interest of any other class, and which doubtless was consistent with his notions of what was right; but as the debate advanced, new lights were shed upon the subject; first, by one Member who rose and assured the House, that it would be of little advantage to the country at large; and he was followed by the hon. Member for Manchester, who said it would be of little use to the trade, and that seemed to alter the view taken of the measure; and the Gentlemen of the landed interest began to pause and think that this could not be such a bad measure. A Bill that provided nothing for the people, but did little for the trade; why, that cannot be so dangerous: and from that moment an altered tone was observed throughout the debate, and he was happy to see, as one Member after the other rose, and said, that he could not understand how, without adequate securities against the people obtaining the advantage they sought in procuring, there could be any objection to the measure; and the Bill gained ground. Now, he was free to confess, it was because he agreed with those hon. Gentlemen that little benefit was to be expected from the measure that he felt indifferent about its being carried, because if it was an important measure, and could be deemed a concession, why, when he moved for the repeal of the Corn-law next year, which he intended most certainly to do, he might be met by the argument that it was unreasonable, after the important concession made last year, that great things had been done for the miller and the merchant; that it was ungrateful in the people, after a great measure of this kind had been passed, to urge other claims; that it had always been understood to be final; and then might follow all kinds of explanations as to what had been the understanding and stipulations amongst different Members of Lord Melbourne's cabinet. But now it was agreed on all hands that the Bill was in no way connected with the Corn-law, that it would never forward in the least degree the purpose which the hon. Member for Bridport had said, was that of the repeal of those laws, namely, to give cheap food to the people of this country. He was, therefore, not afraid of it on that account, though certainly if the measure was rejected, it would be somewhat illustrative of that extreme unreasonableness of the landowners which he alleged against them the other night. He wished success to the measure, because it appeared to him productive of some good, and incapable of any evil. It was in fact nibbling at a great principle, that ought at once to be insisted upon with spirit, and claimed as matter of right.

The House divided:—Ayes 127; Noes 92; Majority 35.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Bailey, J.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blake, W. J.
Blakemore, R.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Bryan, G.
Buller, E.
Busfield, W.
Butler, hon. Colonel
Campbell, Sir J.
Chalmers, P.
Chapman, A.
Childers, J. W.
Clay, W.
Clive, hon. R. H.
Codrington, Admiral
Collier, J.
Courtenay, P.
Curry, W.
Dalmeny, Lord
Davies, Colonel
Divett, E.
Duckworth, S.
Duke, Sir J.
Dundas, C. W. D.
Dundas, hon. J. C.
Eliot, Lord
Evans, W.
Fielden, J.
Fenton, J.
Finch, F.
Gillon, W. D.
Gladstone, W. E.
Grattan, H.
Grey, Sir G.
Grimsditch, T.
Hall, B.
Hastie, A.
Hawes, B.
Hobhouse, Sir John
Hobhouse, T. B.
Horsman, E.
Hoskins, K.
Howard, P. H.
Hume, J.
Humphery John
Hutton, R.
Ingham, R.
Irton, S.
James, W.
James, Sir W. C.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
Liddell, hon. T.
Lister, E. C.
Lushington, C.
Lynch, A. H.
Macleod, R.
Marsland, H.
Miles, W.
Miles, P. W. S.
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Connell, D.
Palmer, C. F.
Parker, J.
Pechell, Captain
Pendarves, E. W. W.
Phillips, M.
Roche, D.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sandon, Viscount
Scarlett, hon. R.
Seymour, Lord
Smith, hon. R.
Smith, R. V.
Somerville, Sir W. M.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stewart, J.
Stuart, V.
Strutt, E.
Talbot, J. H.
Teignmouth, Lord
Thomson, rt. hon. C. P.
Thompson, Alderman
Thornley, T.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, L.
White, S.
Whitmore, T. C.
Williams, W.
Williams, W. A.
Winnington, T. E.
Wood, C.
Wood, Colonel T.
Wood, G. W.
Wood, T.
Woulfe, Sergeant
Worsley, Lord
Wynne, rt. hon. C. W.
Wyse, T.
Yates, J. A.

TELLERS.
Reid, Sir J. R.
Seale, Colonel

List of the NOES.

Alston, R.
Arbuthnot, hon. H.
Bagge, W.
Bailey, J.
Baker, E.
Barneby, J.
Barry, G. S.
Bell, M.
Blair, J.
Brabazon, Sir W.
Bramston, T. W.
Broadley, H.
Browne, R. D.
Buller, Sir J. Y.
Burroughes, H. N.
Chute, W. L.
Codrington, C. W.
Cole, Viscount
Conolly, E.
Craig, W. G.
Cripps, J.
De Horsey, S. H.
Dick, Q.
Dowdeswell, W.
Duncombe, hon. W.
Duncombe, hon. A.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Fellowes, E.
Filmer, Sir E.
Fleming, J.
Forbes, W.
Fremantle, Sir T.
French, F.
Glynne, Sir S. R.
Gore, O. J. R.
Gore, O. W.
Grimston, Viscount
Harcourt, G. S.
Heathcoat, Sir W.
Henniker, Lord
Hillsborough, Earl of
Hodgson, R.
Holmes, hon W. A'C.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jones, T.
Kemble, H.
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knightley, Sir C.
Litton, E.
Logan, H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Master, T. W. C.
Maunsell, T. P.
Milnes, R. M.
Moneypenny, T. G.
Mordaunt, Sir J.
Nicholl, J.
Norreys, Lord
Packe, C. W.
Pakington, J. S
Palmer, G.
Parker, M.
Parker, R. T.
Perceval, hon. G. J.
Polhill, F.
Poulter, J. S.
Praed, W. M.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Sanderson, R.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Stanley, E. J.
Stuart, H.
Vere, Sir C. B.
Vivian, J. E.
Winnington, H. J.
Wodehouse, E.
Yorke, hon. E. T.
Young, Sir W.

TELLERS.
Chandos, Marquess of
Rushbrooke, Colonel

House went into Committee and resolution agreed to. The House resumed.

INTERNATIONAL COPYRIGHT.] Mr. *Poulett Thomson* rose to move for leave to bring in a Bill to establish a system of international copyright, and said, that in introducing this measure to the House he thought it right to say something with regard to the objects which he proposed to effect. It was not his intention in this Bill to enter at all into the question of copyright at home, an hon. and learned Friend of his having already obtained leave to bring in a Bill upon that subject. Whether it might be, in the opinion of the House, advisable to extend copyright to the number of years which his hon. Friend suggested, was a proposition to which he desired to be understood as giving then neither assent nor dissent. He would leave that question altogether untouched; his present object being simply to give to foreigners for their works in this country that protection with regard to copyright which English authors in return might be enabled to obtain for their works in foreign countries. He did not think that there was a single individual who would be inclined to dispute that this was a just and an equitable principle. He did not think that any man was disposed to deny, that literary works of genius ought to meet with a similar protection in this country to that which was extended to works of genius of another class. He alluded to the works of individuals engaged in industrious or mechanical pursuits, which in this country were already protected by our laws. It was clearly desirable to obtain for our authors that protection abroad which could already be obtained for works of a different description. Nothing appeared to him to be more urgent than the circumstances in which authors were placed, considered as British subjects, compared with those who were engaged in other pursuits demanding the exercise of the inventive faculty. If any man turned his attention to any department of mechanical science, and by the force of genius and intelligence succeeded in inventing a machine capable of being beneficially applied to the purposes of trade or manufactures, to the promotion of industry, or the diminution of manual labour, it was in the power of such an individual, in whatever part of the world he might have made the discovery, to come to this country and take advantage of our patent laws, to secure to himself the exclusive privilege of profiting by that invention for a certain number of years. In the same way, if a native of this country, by the exertion of talent and industry, succeeded in inventing a machine, or making any useful discovery, it was in his power to go abroad and there reap the fruits of his discovery, all the advantages of which would be secured to him by the concession of a similar patent. But this was not the case with those who, devoting their time to literature, laboured alike for our amusement and instruction, with those who conferred by their works the greatest benefit on mankind. This was, he contended, a state of things which it behoved them to remedy as speedily as possible, and it was with this view that he proposed the present measure. It was not his intention to weary the House by dwelling on the practical inconveniences to which authors were subjected by the present state of the law. But, at the same time, in introducing this measure there were one or two examples which he was desirous to state to the House, first to show the injustice to which the existing state of the law subjected authors in this country; and next to show how injuriously it affected the interests of literature generally. It was matter of notoriety that works were pirated abroad as soon as they made their appearance at home; that no sooner were productions sent to the press in this country, than the utmost efforts were exerted to purloin proof-sheets for the purpose of sending them to America, France, Belgium, or Germany. Pirated editions were published at once in those countries and circulated over those countries forthwith, by which means the authors were deprived of the fair fruits of their labour—of those legitimate pecuniary rewards for which they were reasonably entitled to look. It was equally well known that the same system of piracy existed with regard to the works of authors in foreign countries; and that a work was no sooner published in France than proof-sheets were despatched to Belgium, where a pirated edition was immediately brought out, with which the English and foreign markets were at once inundated; and thus the foreign author was equally deprived of his fair and legitimate expectations of remuneration. He would take an instance of a work of light reading. He found upon inquiry that of the work of *Travels in America*, by Mrs. Trollope, no less than 15,000 copies had been printed in Paris, without the slightest benefit to the author, either in their sale or in that of the copyright. He might cite instances of the same description in the works of Mr. Bulwer; but he would turn to works of greater importance—those of science, in reference to which this Bill was particularly necessary. There was Dr. Arnott's *Elements of Physical Science*, a work of the greatest labour and pains, and for which everybody would admit the author was entitled to all the advantages the sale of copyright could bring him; and yet he (Mr. P. Thomson) had been informed, that there was not a village of 2,000 inhabitants in the United States in which several copies of a pirated edition were not to be found, for which the author never received one farthing, simply because there was no way of protecting the copyright. He might also instance Dr. Webster's Dictionary, which was published in the United States, and immediately pirated in England, for which editions the author received no remuneration whatever, although a vast number of it was sold; and Dr. Richardson's Dictionary, published in England and pirated in the United States, both works of great labour, merit, and expense, a single number costing, he believed, three or four guineas. Thus, in one case, the American work was sold so cheap here, that it was superseded by the English edition, and in the other the English work was sold so cheap in the United States, that it was entirely superseded by the American edition. The principal cause of this evil was, that no sooner were works in the press, than attempts were made through the means of bribery, sometimes to a considerable amount, to obtain copies of them from persons engaged in the printing department, for the purpose of having them pirated in another country. One of the last of Sir Walter Scott's works had actually been purloined in sheets here, and published in the United States before it was published in London. It was pirated and sent to France in the same way, and published there also before the London edition appeared. These were facts which showed that it was absolutely necessary, in justice to our own authors and to those of foreign countries, that some check should be put to the present system. Why should they afford protection to works of industry and art, and refuse it to works of genius, devoted to literary and scientific pursuits? Their doing so would not be only unjust towards the authors, but directly against our own interest. America, and many of the European States, had turned their attention to the subject of late. In France and Germany commissioners had been appointed upon the law of copyright, and in the United States a committee of inquiry. The commissioners in France and Germany said, that they felt the inconvenience arising from the publication of their works in other countries, but that while they sought to protect their own authors, they should also afford protection to foreign authors. Therefore, in order to obtain protection for ourselves abroad, it was necessary to hold out the prospect of protection in this country to the authors of other countries. The mode of doing this was not very simple. It would not do, in his opinion, to pass one general law, based upon the principle of our own law of copyright, because the law of copyright varied so much in different countries. In France, for instance, it was limited for a certain period; in Germany it was also limited, and for different periods; at Frankfort to ten years, and in Prussia to thirty: and in the United States it was limited to a much less period. What he proposed then by this Bill was to empower the Crown, by treaty with foreign states, to grant to foreign authors the same degree of protection and for the same number of years, that those states were willing to afford by treaty to our authors. That was to say, supposing a treaty to be made with France, by which mutual protection to copyright was afforded for a period of twenty years, it would be competent for the Crown, acting of course by the Privy Council, to take steps against the surreptitious introduction of editions of foreign works published in violation of the copyright. After consulting the opinions of many competent judges, that appeared to him to be the best principle upon which to proceed. The moment the Bill passed, they would endeavour, by convention with other countries, to adopt the principle of reciprocal copyright. Communications were already being made on the subject, and he thought, when they should have the power of carrying the machinery of this Bill into effect, they would not find much difficulty in concluding arrangements under it with foreign states. The right hon. Gentleman concluded by moving for leave to bring in a Bill to provide for international copyright.

Mr. *Milnes* thought the measure of the right hon. Gentleman might be easily carried into operation with countries with which our relations were very clear and simple—such as America; but he doubted the possibility of its operation with European countries, because, by any such agreement as it proposed, we should be greatly the gainers, and it would consequently be very difficult, if indeed possible, to induce them to submit to the terms of the proposal. Everybody knew that the circulation of English books in France was much more extensive than that of French books in England, and it was very unlikely, therefore, that any such agreement, an agreement which, would, undoubtedly be most unpopular with the book trade in Paris, would be entered into by the French government. He was of opinion that the experiment should be first made with some such country as America, because there, there would be comparatively no difficulty to contend with.

Sir *R. Inglis* said, that whatever might be the relative claims for protection of mechanical and literary pursuits, he was of opinion that the right hon. Gentleman and his colleagues would find it extremely difficult to carry this measure into effect. He thought the more obvious course would have been to have asked other countries to pass in their respective legislatures, bills of an analogous nature before they proceeded upon a general principle, which left the reciprocity all on one side. The cases of piracy mentioned by the right hon. Gentleman might have been provided against by a course which Sir Walter Scott had himself adopted with his *Life of Napoleon.* He sent it over himself in sheets to Germany and France, and thus protected the copyright of the work in this country. That course was still open to authors. Nothing but an interest, which the right hon. Gentleman had not shown, would induce the governments of France, Germany, and the United States, to concur in the arrangement proposed by this bill. He readily admitted that the subject was a good one, and that they ought, as far as possible, to afford that protection to indigenous authors which for many years they were deprived of by foreign countries; but he was of opinion that the right hon. Gentleman by this bill would involve himself in a series of difficulties from which it would be no easy matter to get free. The right hon. Gentleman should have first represented, by the ordinary course of communication with foreign states, the feelings of her Majesty's Government on the subject.

Lord *John Russell* thought, that the hon. Gentleman opposite had taken a mistaken view of the question. Surely France would be greatly benefitted, if the introduction into this country of the works of her authors, printed in Brussels, were prohibited; while, on the other hand, it would be a very great advantage to us, to have a stop put to the publishing in France of pirated editions of English works. His hon. Friend (Sir R. Inglis) objected to the introduction of this measure, without having first negociated on the subject with other countries; but until they adopted some such measure, they would have nothing to offer, and it was much more probable, that their negotiations would be attended with success if they were enabled to show that they had something to give in return. This bill, he trusted, would have the effect of preventing piracy, at all events in France, Germany, and America. It had been stated that Sir Walter Scott took measures to prevent his privilege of copyright from being interfered with in France, and that the same means of precaution were open to every other author; but what were the means that that celebrated individual had adopted? He was merely in the habit of sending over proof sheets, so as to secure the sale of one impression at all events; thus his edition entered the French market sooner than that of a publisher, who had to wait till a perfect copy could be procured from England. He need scarcely observe, that this was an advantage so trifling as not materially to affect the argument. Sir Walter Scott possessed no other advantage.

Lord *Mahon* said, he was very glad to find that the attention of her Majesty's Government had been drawn to the subject, for it was one of very great importance, not only as regarded the interests of authors, but those of the public. One example he would mention to illustrate the extent to which the feelings, reputation, and property, of authors were affected by the present state of the law. There was, as probably many Members knew, a continuation of Sir James Mackintosh's historical work, which proved very inferior to the original both in style and sentiment. The whole work, or rather the two works, commencement and continuation, were published in France, the fact being suppressed that the latter part was by another and an inferior hand. The practical question, however, now before the House was this—how could redress be obtained? It appeared to him that the difficulty lay much more in negotiation with foreign states, than in legislation in that House; he regretted, therefore, that the noble Lord, the Secretary of State for Foreign Affairs, was not then in his place, in order that the House might be informed if any negotiations respecting this subject had taken place with the United States of America. He repeated his apprehension that there would be great difficulty in negociating with foreign powers on a matter of this nature. How, for example, did they propose to manage with Switzerland? If upon the principle of a *quid pro quo*, it must fail, for the simple reason, that there were no Swiss books published in England, and therefore we had nothing from which to abstain that could make our abstinence a compensation to the Swiss. The fact was, that Switzerland was a country peculiarly barren in literature, and let hon. Members recollect, that in proportion as they diminished piracy at Paris and Brussels, they gave it encouragement at Geneva or at Berne, unless previous negotiations with Switzerland gave protection to English books, and of this he hardly entertained a hope. He apprehended, also, that with Germany the difficulty would be considerable, much greater than the right hon. Gentleman opposite expected. He believed, that amongst the German States themselves there was no international copyright; they had no agreement amongst themselves, and how could they be expected to enter into conventions with other countries? If Austria, Bavaria, and Prussia had each a law of copyright different from the others —if they felt so slight an interest in the matter that they could come to no agreement with each other, what chance was there that they would make a sacrifice to protect themselves from so distant a danger as that some German works might be published in England? These, he observed, were a few of the practical difficulties which suggested themselves to his mind, but he did not state them with any feeling of hostility towards the bill; quite the contrary; he should be most happy to give it his support if, on perusal, he could consistently do so; in the meanwhile, he wished to obtain all the information he could as to the state of the negotiations on the subject.

Mr. *Warburton* observed, that though he had heard so much about the interests of authors, he still could not help recollecting that there was a reading public, and that the diffusion of cheap editions of good books was one of the greatest public benefits that could be conferred. The effect of smuggling was to prevent the manufacturer from setting too high a price upon his goods. By these measures of extreme protection the publisher would be tempted to set too high a price upon his books; he thought, therefore, that so serious an interference with the interests of the public ought not to be hazarded without a very minute and ample inquiry. He confessed he saw as many practical difficulties in the proposed arrangement as did the noble Lord opposite. He would ask, how did they propose to look after all the pirated editions? Would they search the baggage of every traveller to see what books he was bringing home for his own use or that of his friends? He was by no means clear that the House had a right to pass such a bill, at the same time that he was not then prepared to oppose its mere introduction. In the absence of the hon. and learned Member for Reading, he should wish to avoid making any observations upon his intended measure, but he understood that he proposed to carry the rights of authorship far beyond anything that had ever before been known. Supposing that measure carried, surely it would not be just to give to foreign publishers increased advantages not previously enjoyed by our own authors. According to his understanding of the measure now before the House, it would give to foreigners rights not yet enjoyed by Englishmen. It was his deliberate opinion, that if advantages of that sort were extended to French books, it would be a great injury to the reading public of England.

Mr. *Goulburn* confessed, that he felt considerable difficulty as to the mode in which the objects of the bill were to be carried out; and one of the points which struck him the most forcibly was the question whether, in the event of England binding itself by means of a convention with France, that country was to be bound not to receive books from Belgium, the copyrights of which belonged to England, but which had been improperly printed elsewhere, and also whether England was to bind itself to receive no French books, unless from France itself. That was one of the greatest difficulties which suggested itself to his mind, for those who, for the benefit of their own trade, pirated the works of others, would take care to mark the work which they published with the name of the country from which it originally proceeded, so that the whole work would bear the strongest resemblance to the original, and the greatest difficulty would be found in distinguishing the spurious from the genuine editions. With respect to the United States, he felt that a question would arise as to how far the Government of that country would feel itself empowered to introduce any law by which a custom which had existed so long would be restrained or removed. In this country the Acts of Parliament were necessarily binding on all parties, but how far Congress could pass a law which should bind all the states, was a matter which must be considered. It would be unjust that this country should bind itself to adopt and carry out any principle of this kind, except on a system of reciprocity, and that system must therefore be established to the fullest extent before any engagement was entered into. Another point presented itself to his mind, and on which the right hon. Gentleman had not explained his views—he meant that of the publication of translations of works which should appear in either country. Now, he apprehended that the law would not include cases of this description. The translator having expended his time and his labour, and his talents in the work of translation, it would be unjust that he should not be paid; but, at the same time, to permit the publication of translations would be unjust to the original inventor of the work, and it was apparent that his interests would be materially affected by means of the translation. He had paid some attention to these few points, and he confessed that he was of opinion, that some difficulty would be found in giving effect to the law. He begged, however, to suggest, that care should be taken in attempting to get rid of these difficulties, that no provision should be made dangerous to authors, and which might turn out to be inoperative.

Mr. *Wakley* was of opinion, that such a measure as the present should be preceded by the fullest and most ample inquiry before it was adopted. He should like to learn what literary man had ever lost anything, or had complained that his interests had suffered, by his works having been pirated. When any person wrote a book, he wrote it for the English people, and for the purposes of his country, and he never reflected on what might be effected by its being published in a foreign country. Dr. Arnott was a man who had written many excellent works which had been widely read through England, Ireland, and Scotland, and which had since found their way into the United States. He should like to have him before a Committee, in order that he might be asked in what light he regarded the publication of his works in America, and he knew that he was the last man who would make any complaint upon the subject; for he was sure that the additional fame which he obtained by his works being widely known would do much in favour of any which he might subsequently publish, and would, therefore, increase his profit and reward. The same rule would apply to all cases; and he would ask, from what circumstances did the necessity for the present measure proceed at all? He must repeat his anxious desire that the right hon. Gentleman would not object to the subject being thoroughly investigated by a Committee before the bill was adopted by the House.

Mr. *Wynn* would offer a few observations to the House upon the subject of this bill. With regard to the suggestions which had fallen from the hon. Member for Bridport, that all the labour of the author, and the expense of the original publication of a work ought not to be considered, but that the advantage of the public was alone to be regarded, he must say, that if that were acted upon, all copyright would be at an end. No reward would be afforded to the author, and all books which were published might be obtained after a short delay, at a price giving a fair profit on the expense of printing and paper. However favourable he might be to the principle of the bill of the right hon. Gentleman, he could not but think that the difficulties which would present themselves to its being carried fairly into execution would be very great. Whatever treaty might be entered into between England and France, Belgium might print the books so like the originals as to defy all attempts to discover the difference, and he hardly knew how this was to be remedied. It was true this precise species of imitation was not now carried on; but then the necessity for it did not exist, for there was no international copyright. As an instance of the success with which the practice might be adopted, he would mention the case of *The Edinburgh Review*, which was now printed at Paris, by Messrs. Galignani, who, however, it was true, attached his own name to it, and so strongly resembled the original, that except on reference to the title-page, the distinction would not be discovered. At the same time he was most ready and willing to vote the experiment be tried, hoping for a successful result. At the same time he must repeat that he was afraid the scheme would prove impracticable or at least fruitless. With regard to the question of the translation of works, he must confess that he should not like to see any law introduced which would fetter the transmission of literature and of discoveries in science from one country to another; but of course some specific regulation on this subject would form one of the details of the bill.

Mr. *Hume* agreed with the hon. Member for Bridport in the arguments which he had advanced, that the interests of the public should be considered rather than those of one individual. The public had already benefitted much by the introduction of cheap copies of various works in recent years, and he would ask the House how these cheap publications had been produced? Formerly whenever a person went to the Continent he was in the habit of bringing home with him a number of their piracies upon English works, but it was now found that those copies were incorrect; and, in consequence, publications equally cheap had been introduced into England. Added to this, however, there were certain matters in the book trade and in the mode in which it was conducted which must be inquired into before any means could be adopted to remedy the defects in the law of international copyright. He should be happy to see a bill passed which would give individuals everything to which they were entitled: but the injustice which might be done to society at large must be considered before any such bill was agreed to. Difficulties had been stated which, he thought, it would be impossible to remedy. He should be glad if means could be taken to remove them, but he had no idea that it was possible.

Mr. *Poulett Thomson*, in reply, admitted, that the subject was attended with great difficulties, but he had felt it his duty to endeavour to grapple with them. If those difficulties were found to be insuperable, his Bill would not possibly do any harm, for it would only become a dead letter; but it was only by a bill of this kind, that we could be put in a position to endeavour to overcome the difficulties in question. He confessed that he anticipated more difficulty from the United States than from any other country; but with reference to what had fallen from the right hon. Gentleman, the Member for the University of Cambridge, that the Government could not make any regulation as to copyrights which would extend to all the states, he would state that the power was specially reserved to the Government, and was not left in the hands of the states. Therefore, if the United States pleased to enter into any arrangement on the subject, it was perfectly competent for them to do so. With regard to the difficulties suggested in the case of Germany, he would state that last autumn, at a Diet held at Frankfort, the subject was referred to, and a law was passed for the Government of the German states, by which a law of general copyright was adopted, and articles were passed in order to enable the Governments to enter into a treaty with foreign powers, and especially with England, on the subject of international copyright. There was reason to believe, therefore, that in France and Germany the plan proposed would be successful. It would be exceedingly desirable that arrangements should first be made with two or three states, in order that others might then view the advantages to be derived from the measure.

Leave given.

Poor-law—Freedom of Worship.] Mr. *Langdale*, in rising to bring forward the motion of which he had given notice, assured the noble Lord, the Secretary for the Home Department, that he was not actuated by the slightest hostility to the New Poor-laws, his object simply being that the 19th clause should be carried into effect, so as to secure religious freedom in the workhouse by allowing the poor, who had the means within their reach, to attend their own places of worship on the Sabbath day. It was chiefly with respect to those who agreed with him in religious opinions, who could not conscientiously join in the worship of those of another communion, being bound under pain of incurring moral guilt to attend mass on Sunday,—it was chiefly with reference to Roman Catholics that he had been induced to bring the matter forward. In most cases he was ready to admit, especially in the metropolis, and generally in large towns, no ground for objection existed—Dissenters being allowed to attend their own places of worship. But some exceptions existed, and he feared they might be drawn into cases of persecution. In St. Martin's parish, Westminster, he believed full permission was given to the

Members of different religious persuasions to attend what place of worship they pleased; but the same permission was not extended to Cheltenham. The Roman Catholic inmates of the workhouse there, had repeatedly made application to be allowed to attend their own chapel, but their application had continually been refused although the chapel was situate within five minutes' walk of the workhouse. He could not conceive what possible reason there could be for imposing such a restriction on the poor of that well-conducted town. There was another case he would mention amounting to direct religious persecution. In the town of Hull the children were separated from their parents; indeed they were confined in two different houses. Two Catholic children were taken to their own place of worship; the Poor-law Commissioners objected, declaring it to be a direct violation of the law. A respectable wine merchant offered to conduct them to mass and take them back to the workhouse in the afternoon; but the governor refused, stating that he himself took the children in the morning to the Established Church, in the afternoon to the Methodist chapel, and those who did not choose to go there must stay within the walls. Thus the poor Catholic children, while their companions were at church, had been subjected to a species of solitary confinement. This was a direct instance of religious persecution. He did not object to the adoption of rules to insure regularity in the workhouse, but he hoped they were not prepared to add this most severe of all conceivable tests, that a man on entering the workhouse must sacrifice the practice of his religion. With a view of obtaining some practical recommendation on this subject he begged to move, "That it be an instruction to the Poor-law Committee to inquire how far the regulations of the Poor-law Commissioners have been compatible with the inmates of workhouses attending their respective places of worship on the Sabbath-day, and to inquire and report how provision may be made for securing to all such inmates the power of attending divine service according to their respective creeds."

Mr. C. Lushington seconded the motion.

Lord *John Russell* said, that this was a question which had been partially inquired into by the Committee which sat last year for the purpose of examining into the operation of the new Poor-law, and which occupied the attention of the Committee now sitting on the same subject. He believed that in the last Session of Parliament there were laid on the table the rules issued by the Poor-law Commissioners to the guardians of the different unions, stating, that persons should be allowed to leave the workhouse on Sundays for the purpose of going to their respective places of religious worship, and he further believed, that those rules still continued in operation in all cases, except where the paupers, having been guilty of misconduct, had been deprived of that privilege. He had no hesitation in declaring it to be his opinion that there ought to be no difficulty thrown in the way of individuals actually intending to go to a place of religious worship, no matter whether that place be a church, a Dissenting chapel, or a Roman Catholic chapel. He was aware, however, that there were many cases in which the inmates of workhouses having been let out, under the pretence that they were going to chapel, had gone to public-houses and beer-houses, where they had got drunk, and had entered the plantations of gentlemen for the purpose of destroying or purloining the young trees they found in them. In consequence of the frequent recurrence of these disorders, the indulgence, which was at first granted to those individuals, was afterwards refused. Such was the sort of rule on which the Poor-law Commissioners had acted in several unions. He thought that the rule which they had laid down should be made more general, so that no instance of any abuse of power should hereafter occur. With respect to the motion of the hon. Member, he had only to submit to the House that the question which it involved was one of the questions referred to the consideration of the Poor-law Committee in their general instructions. There was no more necessity for making it an instruction to that Committee to take into consideration this question, than there was to make it an instruction to them to take into consideration the workhouse dietaries, or any other restriction to which the inmates of workhouses were of necessity obliged to submit. He suggested to the hon. Member, therefore, the propriety of withdrawing his motion, as unnecessary.

Mr. *O'Connell* thought, that every person who was unfortunately obliged to become the inmate of a workhouse ought to be entitled as a matter of right to attend at the place of religious worship of the sect to which he belonged. If the pauper abused that right, then it might be taken away from him; but if he did not, he ought to have the right clearly and distinctly defined. He considered it to be a matter of great importance, that among the inmates of our workhouses a religious feeling should be encouraged. He submitted to the House whether it would not be advisable, if this instruction wêre unnecessary, to add the name of Mr. Langdale to the Poor-law Committee, in order that this subject be fully investigated.

Lord *John Russell* said, that there were at present three Gentlemen on the Poor-law Committee who never attended any of its sittings. If the hon. Member for Knaresborough would consent to serve, he should readily propose to put his name upon the Committee.

Mr. *G. Knight* said, that from his experience of a very large workhouse, he believed that the noble Lord was perfectly justified in apprehending that mischief would arise from granting a general permission to the inmates of workhouses to leave them on Sundays, under the pretence that they wished to go to their different places of religious worship.

Mr. *Langdale,* in reply, stated, that the instances which he had cited had been given to him by Roman Catholic clergymen, and he had no doubt that they were correct He had looked through the reports of the Poor-law Committee, and he did not find that this subject had been much inquired into until the last report. In that report, he found that the hon. Member for Leeds had asked Mr. Power, the Assistant-Commissioner, "Do you let the paupers go out of the workhouse on Sundays, to their respective places of worship?" And the answer was, "Sometimes we do; sometimes we do not." He was then specifically asked, "Do you let the Roman Catholic paupers leave the workhouse on a Sunday, to go to their chapels?" and the answer was, "I have always thought that this question, as to the Roman Catholics, was a difficult question, and that it would some time or other arise." He (Mr. Langdale) said, "the sooner it arose the better." All that he wanted was, that it should not be left in the breast of any workhouse governor, or of any guardian, to debar the paupers from going to their respective places of religious worship. He was perfectly satisfied with what had fallen from the noble Secretary for the Home Department; and he would, with the permission of the House, withdraw his motion.

Motion withdrawn.

ECCLESIASTICAL COURTS.] Mr. *Barron* moved for leave to bring in a Bill to consolidate the jurisdiction of ecclesiastical courts in Ireland.

Mr. *Goulburn* availed himself of the opportunity to ask the noble Lord at the head of the Home Department what had become of the Bill, which had been introduced some time ago by her Majesty's Ministers for the purpose of regulating and consolidating the jurisdiction of the ecclesiastical courts in England. If her Majesty's Ministers were not prepared to bring in such a Bill for England, what probable chance of success was there for such a Bill affecting Ireland? How could the noble Lord give his assent to the Bill introduced by the hon. Member for Waterford, when he was not prepared to introduce a similar Bill for England? But perhaps the noble Lord was prepared to take up the subject so far as regarded England?

Lord *John Russell* rose for the purpose of answering the question which had just been put to him by the right hon. Gentleman opposite. The Bill respecting the jurisdiction of the ecclesiastical courts in England, had certainly occupied the attention of her Majesty's Ministers for a considerable time, and when last noticed in Parliament, was under the consideration of the House of Lords. The Bill was much considered in that House; various suggestions were offered for its improvement; and beyond a doubt it was amended in many parts. Still, it was the general opinion in that House, that the Bill ought not to be proceeded with, except a Bill for the better discipline of the clergy could be carried at the same time. The frame of such a Bill had been drawn out, but he must candidly confess that he was not entirely satisfied with the measure proposed, and the Bill for the better discipline of the clergy was, in consequence, postponed. There were other bills under the consideration of Government relating to ecclesiastical jurisdictions one of which he intended immediately to bring forward. When those bills were disposed of, the Government would proceed to the consideration of a Bill for regulating and consolidating the various ecclesiastical jurisdictions of the country, and would introduce a Bill for the better discipline of the clergy. He agreed with the right hon. Gentleman, that it was not likely that either House of Parliament would pass this Bill for Ireland without knowing what was intended as to the two Bills respecting the ecclesiastical jurisdictions and the better discipline of the clergy in England.

Leave given.

CHURCH OF ENGLAND.] Lord John Russell moved for leave to bring in a Bill to carry into effect, with certain modifications, the fourth report of the Church Commissioners.

Sir *Robert Inglis* said, the noble Lord could not surely be intending, at a period of the night within a quarter of an hour of the usual time of adjournment, twelve o'clock, to introduce a measure designed to effect various extensive and important changes in the constitution of the Church.

Lord *John Russell* thought, there was no necessity for being so delicate as his hon. Friend opposite seemed to think proper, since the measure he proposed to introduce was originally recommended by a church commission appointed by the right hon. Baronet, the Member for Tamworth, and of which the right hon. Gentleman and other Members of his administration were Members. After the right hon. Baronet retired from office, several Members of the present Government sat on the Commission, the clerical Members of which continued the same. On the report made by that Commission, a bill formerly introduced into the House was founded; and he now proposed to bring in a measure nearly similar in its provisions. He did not think it too much to ask leave, even if the time were an hour later, to introduce a bill founded on such authority, because he did not think that the House could at any time refuse to entertain such a bill, and allow it to be printed, in order that its principle might be fairly considered. The measure was founded on the fourth report of the Church Commissioners, the whole of which he proposed to recite in the preamble. Some alterations had been made in a further draft of the report, which he proposed to embody in the Bill; but these had been chiefly adopted at the request of the deans and chapters; and therefore he did not think they could be fairly objected to by the House. He was not now about to repeat the statements he had made to the House, when the former Bill was brought in, which had now been nearly three years before the public. The chief alteration made by the Commissioners on reconsideration was, to recommend that patronage, instead of being taken from the deans and chapters, and given to the bishops at once, should be reserved to the deans and chapters, so long as any person belonging to the chapter remained alive. This alteration had been made in compliance with the desire of the deans and chapters, and no objection, he thought, could fairly be made to the Bill on that account. The draft of this further report to which he alluded was prepared, when, in consequence of circumstances which he need not mention, the meetings of the Commission were broken off, and at last the Commission came to an end in consequence of the demise of the Crown. He did not now intend to bring in a bill containing word for word, or letter for letter, the propositions of the Church Commissioners. There were two points on which he proposed to add to those recommendations. The first regarded the persons who were to carry the act into effect. According to the act regulating the incomes of the bishops, persons holding certain official stations, together with those archbishops and bishops originally named, were appointed Commissioners for that purpose. As this Bill would confer great power over the administration of the property of the Church, it seemed to him right, that the number of Commissioners should be increased. A complaint had been made to him, that the number of laymen was too great, which he proposed, in some respect, to remedy. He proposed, that the Crown should have power to nominate five persons to sit on the Commission, of whom three should be Members of the Church of England. This was a power which might be, but need not necessarily be exercised. He proposed, likewise, that there should be some limit to the incomes of the deans, and other members of the chapters, as there was now by Act of Parliament a limit to those of the archbishops and bishops. In the very few cases in which the incomes of deans exceeded 2,000*l.*, he proposed that the surplus should be set apart to the augmentation of small livings, and in the few instances where that of a canon or prebendary exceeded 1,000*l.*, that the surplus should be devoted to the same object. These were the only modifications of any consequence affecting the recommendations of the Commissioners which he should propose; the rest of the Bill was to carry into effect the original proposals of those Commissioners, which, in their opinion, would tend very much to the augmentation of small livings, and the increase of religious instruction in populous places, where there was now a very great deficiency. When the Bill came to be read a second time, he would go more generally into the subject of the reforms proposed or effected by this, and other measures in the constitution of the Church; and he would then be happy to meet his hon. Friend, the Member for the University of Oxford, in considering the whole question. The noble Lord moved for leave to bring in the Bill as above.

Sir *Robert Inglis* thought, his noble Friend was almost the only Minister who would not, under the circumstances, have either made a fuller statement to the House, or made it at a more seasonable hour. The objections he entertained against the Bill, announced by the noble Lord, were, perhaps, stronger than those he had felt against the Bill he had brought in last year. He could never be reconciled to a bill, hostile to the constitution, perhaps to the existence of the Church, by any acquiescence in the spoliation of ecclesiastical property, which might be obtained by any boon offered in the measure to a particular class of proprietors. He felt it his duty to declare, as strongly as he could, his decided and unalterable aversion to the Bill. It was, in itself, injurious, and was one of a series of measures opposed to the best interests of the Church.

Mr. *Gladstone* hoped, that before the second reading of this Bill, ample time would be given for consideration, as the question involved was one of daily increasing interest, and required the most mature deliberation.

Leave given.

HOUSE OF COMMONS,

Wednesday, March 21, 1838.

MINUTES.] Petitions presented. By Mr. BAINES, from five parishes in Yorkshire, for alterations in the Factory Act.—By Sir A. DALRYMPLE, from Brighton, complaining of the operation of the Poor-laws.—by Mr. GIBSON, from Ipswich, by Mr. MORRIS, from Carmarthen, from West Malling, and other places in Kent, by Mr. HODGES, by Mr. BRISCOE, by Mr. HAWES, from Walworth, from Congregations in Lambeth, and by Mr. PROTHEROE, and Mr. LUSHINGTON, from various places, for the abolition of Negro Apprenticeship.—By Mr. MONEYPENNY, from Rye, against including that Borough in the Boundary Bill.—By Mr. BROTHERTON, from Owners of Cottages in Salford, against the Rating of Tenements Bill; from the Congregation of Baptists in Oldham-road, Ashton-under-Lyne, for the abolition of Negro Apprenticeship.—By Mr. M. PHILIPS, from Manchester, to the same effect.—By Lord DALMENY, from Dunfermline, from the United Secession Congregation of Inverkeithing, and from the Mayor, and Town Council of the borough of Stirling, against additional Endowments to the Church of Scotland.—By Mr. WAKLEY, from the Working Men of Greenock, for Universal Suffrage, repeal of the Corn-laws, Short Parliaments, and Vote by Ballot; from Preston, in favour of Universal Suffrage; and from the Working Men's Association in Middleton, for a mitigation of the sentence on the Glasgow Cotton-spinners.—By Mr. HAWES, from Postmasters, praying for an equalization of the Stage-coach duty; and from his Constituents, to institute an immediate inquiry into the present mode of conducting Election Committees.

OBSERVANCE OF THE SABBATH.] Mr. *Plumptre*, in moving the second reading of the Lord's Day Observance Bill, said it was one upon which a strong and growing feeling existed in the country. It was a subject beset with difficulties, to which he could not consider himself fully equal, but he felt bound to say, that he would not be diverted by any taunts or sneers from pursuing the course on this subject which he should think right. The subject of this Bill had been before a Select Committee in 1832, to the evidence given to which he would refer hon. Members. The evidence of Mr. Chambers, the magistrate of Union-Hall, of this metropolis, was most important. He said, that much of the crime committed in the district in which he acted as magistrate arose from the non-observance of the Lord's Day. The chief violators of the Sabbath were the bakers and the keepers of alehouses and beer-shops. Since 1832, up to the present time, the observance of Sundays, he was sorry to say, was not much better. He held a report of a society established in the metropolis for the better observance of the Lord's Day, and in it he found, that in one of the principal streets visited on a Sunday 219 shops were found shut and fifty open; in the next, thirty-four were shut and nineteen open; in another, thirty-two were shut and fifty-six open;

and in another, seventy-two were shut and ninety-seven open. This was not, he regretted to have to add, confined to the metropolis. There was a growing feeling in the country for some measure on this subject; and although during the present Session there were not a great number of petitions presented on the subject, a large number, numerously signed, were presented in the last Session. In the Session before last 280,000 persons prayed to the House for the same measure. Societies were forming in different parts of the country, and amongst the clergy the strongest desire was evinced for legislation on the subject. In stating briefly the nature of the Bill he would say, that it was by no means so extensive in its operation as former Bills. It was a Bill for suppressing trading on the Lord's Day. It prevented the doing, or hiring, or employing persons to do, unnecessary work on that day. It compelled shops to be kept shut, prevented the holding of fairs and markets, the receiving and delivering of goods, and the performing of those transactions of a general nature which were designated by the word "business." The buying and selling of milk, the dressing of victuals in houses for the use of travellers, and other indispensable necessaries were provided for and allowed. If the Bill were permitted to go into Committee he should be happy to give the details all that calm discussion which they so well merited. He would not trouble the House with the other points. There were at least 100,000 persons engaged upon the canals and navigable rivers of this country who had sent forward most urgent petitions for relief from the present labour they are subjected to on the Lord's Day. They who had protected the negroes should protect these petitioners. He should have been glad had the Government brought in a Bill on the subject, as he considered it a matter of the greatest importance; for the happiness and prosperity of this country were closely connected with a practical attention to the precepts of Christianity.

Mr. *Milnes* was anxious to express his opinion in opposing the motion of the hon. Gentleman, lest his reason for doing so might be misinterpreted. He was aware that public opinion was greatly excited on the question, and public opinion was, in his opinion, doing more than anything the hon. Gentleman could effect in the way of legislation. A class of persons came forward to ask for protection. Protection was a fair and plausible pretext, but it was sometimes very insidious; and no protection should be granted which would cause any unjust sacrifice. By preventing the baking-houses from being open the poor man and his wife would be prevented from going to church, in order to stay at home and prepare their victuals. He had no objection to any law compelling shops to be closed during divine service, but he would not support any Bill which prevented the poor man from obtaining the necessaries of life. Besides, the Bill could not be brought into operation without occupying a large body of persons in preventing a profitable trade from being exercised, who would themselves be breaking the Sabbath as much as those they were interfering with. He should oppose the motion.

Sir *C. Style* most cordially supported the second reading. He did not do so from any idea that they would make men more religious, or instil into their minds a greater love of Christianity by any human legislation, but because he wished to preserve from positive loss those who did venerate the Sabbath, and abstained from worldly affairs on that day, and because he desired to take from any persons the power of compelling others to work for them. He thought the Bill of the hon. Member went that far and no farther; and therefore he gave him his best support.

Sir *R. Inglis* thought, when the hon. Member (Mr. Milnes) rose, that he was about to second the Bill, instead of opposing it. The question had been so frequently under discussion, and he had so often expressed his opinion upon it, that he thought it unnecessary to delay the House, particularly, as he saw by hon. Members, that they were more anxious to divide than to debate upon it. But he was ready at any time to enter into the full discussion of the subject, and into a defence of the general proposition. He would give his support to the Bill of his hon. Friend, not binding himself to any single clause, but concurring in the general principle on which it was based.

Sir *E. Sugden* intended to vote for the second reading, but if the Bill did not receive many alterations would certainly oppose it in Committee. The first part prohibited the employment of any, or hire of any person to do work or labour. According to that no man could employ his own servant; but what he particularly objected to was, that it did not provide for those necessary accommodations which the poor man was justly entitled to on the Sabbath day. A man labouring all the week could not go in a stage coach for a few miles out of town or take a little refreshment.

Sir *S. Canning*, in giving his support to the Bill, felt called on to observe, that he would not do so if he thought it would weigh heavier upon the poorer than the other classes.

The House divided:—Ayes 139; Noes 68: Majority 71.

List of the AYES.

Acland, T. D.
Ashley, Lord
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baines, E.
Baring, F. T.
Baring, hon. W. B.
Barrington, Viscount
Barron, H. W.
Bateson, Sir R
Bell, M.
Bentinck, Lord G.
Bethel, R.
Blackburne, I.
Blair, J.
Blakemore, R.
Boldero, H. G.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Bruges, W. H. L.
Buller, E.
Buller, Sir J. Y.
Burr, Higford
Burrell, Sir C.
Byng, right hon. G. S.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Chapman, A.
Chisholm, A. W.
Chute, W. L. W.
Clive, hon. R. H.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Craig, W. G.
Dalrymple, Sir A.
Douglas, Sir C. E.
Duncombe, hon. W.
Egerton, William T.
Ellis, J.
Estcourt, T.
Etwall, R.
Evans, W.
Farnham, E. B.
Fielden, W.
Filmer, Sir E.
Forbes, W.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goulburn, rt. hon. H.
Greene, T.
Grimsditch, T.
Halse, J.
Harcourt, G. S.
Heathcote, Sir W.
Henniker, Lord
Hodgson, F.
Hodgson, R.
Holmes, hon. A'Court
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Ingestrie, Viscount
Irton, S.
Johnstone, H.
Jones, J.
Jones, W.
Jones, T.
Kemble, H.
Kinnaird, hon. A. F.
Kirk, P.
Knatchbull, Sir E.
Langdale, hon. C.
Lascelles, hon. W. S.
Lefevre, C. S.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, J. H.
Lushington, C.
Lygon, hon. General
Mackenzie, T.
Macleod, R.
Mahon, Viscount
Master, T. W. C.
Maunsell, T. P.
Miles, William
Miles, P. W. S.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
Nicholl, John
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, R. T.
Pease, J.
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Praed, W. M.
Pringle, A.
Protheroe, E.
Rice, E. R.
Rice, rt. hn. T. S.
Richards, R.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Shaw, right hon. F.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Spencer, hon. F.
Stewart, J.
Stuart, V.
Style, Sir C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Trench, Sir F.
Vere, Sir C. B.
Walker, R.
Welby, G. E.
White, A.
Whitmore, T. C.
Williams, W. A.
Wood, Col. T.
Worsley, Lord

TELLERS.

Plumptre, J. P.
Inglis, Sir R. H.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. H.
Bewes, T.
Blake, W. J.
Blunt, Sir C.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Clements, Viscount
Clive, E. B.
Collins, W.
Dalmeny, Lord
Davies, Colonel
Dennistoun, J.
Divett, E.
Duke, Sir J.
Duncombe, hon. A.
Dundas, C. W. D.
Dundas, hon. T.
Elliot, hon. John E.
Ellice, E.
Evans, G.
Ferguson, R.
Ferguson, Sir R.
Finch, F.
Fitzsimon, N.
Grote, G.
Hall, B.
Harvey, D. W.
Hawkins, J. H.
Hayter, W. G.
Horsman, E.
Howard, P. H.
Johnson, General
Langton, W. G.
Leader, J. T.
Lynch, A. H.
Marshall, W.
Marsland, H
Martin, J.
Milnes, R. M.
O'Brien, C.
O'Connell, Dan.
O'Connell, John
O'Connell, M.
Paget, Lord A.
Pattison, J.
Pechell, Captain
Philips, M.
Redington, T. N.
Roche, W.
Roche, D.
Salwey, Colonel
Smith, R. V.
Standish, C.
Stuart, Lord J.
Tancred, H. W.
Thornley, Thomas
Vigors, N. A.
Wall, C. B.
Westenra, hon. H. R.
Williams, W.
Wilshere, W.
Woulfe, Sergeant

TELLERS.

Hume, J.
Wakley, T.

CHARITY COMMISSION (IRELAND).] Mr. Barron moved the second reading of the Charity Commissioners (Ireland) Bill.

Mr. *Shaw* objected to having a subject of so important a nature hurried forward in so precipitate a manner. He trusted that a sufficient time would be given for the consideration of the present measure, which affected important interests in Ireland. He hoped that the noble Lord would not concur in hurrying on the second reading of this Bill.

Viscount *Morpeth* said, that, having concurred in the first reading of the Bill, he was not disposed to throw any obstruction in the way of the second reading. However, he did not by any means feel pledged to the details of the Bill, and would be happy to concur in any useful alterations that might be suggested in Committee. Were it not that the Government had so many important propositions in their hands, this was a subject which might, perhaps, have been more properly brought forward by a member of the Government.

Sir *E. Sugden* thought, this was a subject which ought not to be brought forward by a private individual. He thought that the Government were bound to show to the House some grounds for proceeding with this Bill. There was already a charity commission existing in Ireland, and they had heard nothing to show that that commission was not sufficient to do all that was requisite in this respect. The present Bill contained a machinery which would confer new and very extensive powers. Was it intended to establish a new charity commission in Ireland? He was willing to place confidence in her Majesty's Government to this extent, that if they, upon their responsibility, asserted that there ought to be a new commission, he would allow the Bill to be read a second time, reserving to himself the right to examine the provisions when the Bill was in Committee.

The *Chancellor of the Exchequer* said, that in voting for the second reading, and thus supporting the principle of the Bill, he did not feel bound to affirm the mode in which the principle was to be worked out. A Committee had been appointed by a former Government to inquire into the subject, and of which Committee the noble Lord, the Member for South Lancashire (Lord Francis Egerton), was chairman, and that Committee appeared to entertain the opinion, that the present charity commission in Ireland, as well as the whole law relating to the subject, required remodelling and amendment. The present charity commission was composed of *ex officio* members, who had other important duties to perform, and which were sufficient to engross their attention. It was composed of the judges and the bishops, and it seemed to have been generally admitted, on a former occasion, that they ought not to impose the additional labour of these trusts upon individuals so engrossed by their own important duties. The present Bill was, in all respects, similar to one which had already been passed for England, and he, therefore, considering that a similar measure for England had already received the sanction of both Houses of the Legislature, did not think it unreasonable to ask the House to affirm the principle of the present Bill.

Mr. *Goulburn* was not disposed to obstruct the second reading of the Bill. At the same time, considering the nature of its provisions, he thought it might hereafter have to encounter considerable opposition.

Mr. *O'Connell* said, that the present commission was composed of all the judges, and bishops, and Protestant rectors in the city of Dublin, and the provost of Trinity College. The commission was exclusively Protestant, and he thought that a commission ought to be so formed as that no religious jealousy could possibly be supposed to exist. When it was considered that the Catholic Church was unendowed (and he was glad it was so), and when all the charities from which it derived support were administered by a commission of this kind, he thought it important that they should have the most impartial tribunal. He thought the Bill ought to be read a second time, and when it went into Committee its provisions could be fully canvassed, and any alterations effected.

Bill read a second time.

ENCLOSURE OF COMMON FIELDS.] Lord Worsley moved the second reading of the Enclosure of Common Fields Bill.

Sir *E. Sugden* felt bound to oppose the second reading of the Bill. In the recital of the Bill was contained a complete misstatement of the provisions and operation of the 6th and 7th of the late King which had passed both Houses of Parliament with great attention on the part of both Houses in its progress through its several stages. Well, then, this mis-statement of the effect of this Act was made the ground of the legislation which was proposed by the present Bill. He moved that the Bill should be read a second time that day six months.

Sir *G. Strickland* thought, the Bill entirely uncalled for, and very likely to be injurious.

Lord *Worsley* would not give the House the trouble of dividing.

Bill withdrawn.

IMPROVEMENT OF COMMON FIELDS.] Lord *Worsley* moved, that the Common Fields Improvement Bill be read a third time. He stated, that the object of the Bill was to provide for the enclosure of patches of waste land in the midst of arable fields, which obstructed the progress of improvement.

Sir *E. Sugden* said, it appeared to him that the Bill would authorise the enclosure of every common in England, even Hampstead-heath; and he, therefore, would recommend that, like the former, the Bill be withdrawn. The noble Lord's purpose, which he admitted to be a legitimate one, required a bill of a very different kind. It was wrong to attempt to remedy a particular mischief by a general enactment.

Mr. *Wakley* observed, that a Committee would be required for the express purpose of investigating the merits of the various enclosure Bills so constantly brought before the House. Proposals were constantly brought before the House, which, if acceded to, would close up every common in England. He was convinced that this was one of that class, and should, therefore, move its postponement until the appointment of some such Committee.

Third reading postponed.

HOUSE OF LORDS,

Thursday, March 22, 1838.

MINUTES.] Bill. Read a third time:—Residence of Clergy.

Petitions presented. By the Archbishop of YORK, from the Clergy of the city of York, for a revision of the Births, Marriages, and Deaths Registration Act; from the Lord Mayor and Corporation of York, for the abolition of Negro Slavery; from Sheffield, for the better Observance of the Sabbath; and from Northallerton, for the protection of the Established Church.—By the Earl of HADDINGTON, from a parish in the county of Derry, against the Irish system of National Education.—By Lord BEXLEY, from a place in Kent, by the Earl of RADNOR, from King's Langley, and other places, by the Marquess of SLIGO, from Newborough, Bingley, York, Eccleshall, Bradford, Halifax, Birkenhead, and from several Congregations of Baptists, Independents, and Wesleyan Methodists Meeting in Nottingham, and by Lord LYNDHURST, from Wesleyan Methodists of a place in Cheshire, and from seven different Congregations of Wesleyan Methodists Meeting in various parts of Liverpool, for the abolition of Negro Apprenticeship.

SLAVERY ABOLITION ACT AMENDMENT BILL.] Lord Glenelg moved the Order of the Day for the House to resolve itself into a Committee of the whole House on the bill for amending the Act for the Abolition of Slavery.

On the first clause,

The Marquess of *Sligo* said, that he wished to propose an amendment and to take that opportunity of stating the grounds for the change, in his opinion, regarding the immediate abolition of negro slavery. When he had been first consulted by those humane persons, who had latterly taken the lead in endeavouring to abolish slavery altogether, and who had solicited him to join them in that important object, he had felt it his duty not to adopt that course, because he believed, that it would be perfectly impracticable to carry any measure of that nature this Session, and he considered that a fruitless attempt to do so would only excite the expectations of the negro population, and might lead to the worst results. He had determined, therefore, to amend, as far as he could by legislative enactments, the condition of the negroes. He had, however, been induced to change his opinion in consequence of communications which he had received from various parts of the West-India islands, some extracts from which he would read to their Lordships. The noble Marquess read several passages from the letters of planters, special magistrates, and others, in which the writers stated "that the cat-o'-nine-tails was in great demand; that flagellation was the order of the day; and he instanced a case in which a negro had received 517 lashes on account of a trifling theft," and expressed themselves apprehensive of the worst consequences if the total emancipation of the negro were not accomplished this year. The noble Marquess also read a short extract from the message of Sir Evan M'Griggor, and expressed himself delighted that such a message should have been sent; but said, that at the same time he held it to be impossible, after that message, that the negroes could be contented with anything less than an entire and complete liberation. The question had already been stirred in all the islands, and he could tell their Lordships that there was not a petition presented—not a meeting in Exeter Hall—of which the negroes did not hear. He would only add, that he did not preach what he would not practise; for he could assure them that no remnant of slavery should exist on his estate after the 1st of August next; the negroes should henceforth only have a claim to his gratitude for their past services. The noble Marquess concluded by moving that the following words be added to clause 1:—"Provided always, and be it enacted, that the labours of the negroes shall terminate not later than twelve on Friday." This would add greatly to the negro's comfort. It would enable him to go to market on the Friday and it would leave him the whole of Saturday for the cultivation of his patch of ground.

Amendment agreed to.

The clauses of the bill were read and agreed to.

On the motion that the chairman report progress,

The Marquess of *Northampton* rose for the purpose of congratulating their Lordships on the progress of the bill. It was a common remark that the world was daily growing worse, but he thought that the public feeling which had been expressed in this country on the subject of the slave trade, and the prompt and proper manner in which that feeling had been responded to by their Lordships, in adopting in an almost, he might say, in an altogether, unanimous spirit, the present bill, was a complete answer to the injustice, or at least to the universal application of that observation. He complimented her Majesty's Government on having brought such a measure forward. It was a measure which he was sure would give the greatest satisfaction to the people of this country, who were anxiously expecting the speedy consummation of the object which it was intended to effect. It would convince the West-Indian planters that the British Government and the British people were determined to protect the negroes from injustice and oppression; and those who were engaged in the slave trade, that they were resolved to take measures to put a stop to that nefarious traffic. The negroes themselves must feel grateful for this interference in their behalf, and would no doubt prove their gratitude by their future conduct. There was, also, another party who could not regard but with interest and thankfulness this act of the Imperial Legislature of Great Britain—he meant the people of Africa, a quarter of the world whence vast numbers of unhappy victims had been continually draughted to supply the demands of the abominable and insatiable system of negro slavery. He would take the present opportunity of throwing out a suggestion for the consideration of her Majesty's Government and of their Lordships generally. Perhaps one of the chief causes why the attempts hitherto made to put down the slave trade had been inefficient was the jealousy which existed between the various nations who were equally disposed to take an active part in destroying that iniquitous commerce; and he would therefore suggest that a plan should be adopted by which a combined squadron of the English, French, American and Dutch fleets should be brought into simultaneous operation for the purpose, and that the senior captain of each fleet should take the command of the whole squadron in rotation for a fixed period. Such a plan, he thought, would be agreeable to the respective nations, and successful in its results.

The House resumed and the bill was reported.

HOUSE OF COMMONS,

Thursday, March 22, 1838.

Minutes.] Bill. Read a first time:—Haileybury College.

Petitions presented. By Sir R. Peel, from the Trustees of the British Museum, for their Annual Grant.—By Sir C. Blunt, from Lewes, for alteration in the Poor-law Amendment Act.—By Mr. Grote, from Dissenters of Glasgow, against any further Endowment to the Church of Scotland.—By Sir R. Bateson, from a place in the north of Ireland, against the Poor Relief (Ireland) Bill; from the parish of Lower Cumber, in the county of Londonderry, against the present system of National Education in Ireland, a similar petition from Dunmanway, and another place in the county of Cork; from Dungarvan, against the Negro Emancipation Bill; from the town of Antrim, for the restoration of the ten Irish Bishops abolished by a recent Act of Parliament; from Clonmel, that the rights of the Protestant Freemen might be protected in reforming the Corporations.

Hand-loom Weavers.] Mr. *Gillon* said, that as the Commission was now sitting to inquire into the condition of the Hand-loom Weavers, he would withdraw the motion of which he had given notice with respect to that subject; but before doing so, there were some points on which he wished an explanation from the right hon. Gentleman, the President of the Board of Trade. He wished first to know the cause of the delay in the appointment of the Commission. He understood it was only on Tuesday last, that the Sub-Commissioner was to open the Commission. He, therefore, wished to know the cause of the very great delay. In the next place, only one Commissioner had been dispatched to investigate the subject. Now, as weaving was widely diffused over the country, and as it was necessary the Commissioner should visit every town in which hand-loom weaving was carried on, it was not only necessary for him to make himself master of the subject, but also to impress the people with belief that a real and searching inquiry was to be made. If only one Commissioner should be sent, the inquiry would be protracted to a very inconvenient length of time. These individuals had been suffering for a long series of years the most complicated distress: different Committees had recommended the introduction of bills to ameliorate their condition. These bills, however, had always been resisted on the part of the Government. Now, when a Commission was appointed, he wished no time would be lost in carrying the inquiry into effect. Another subject to which he wished to direct the attention of the hon. Gentleman was this. He understood the Commissioners in Lancashire had refused any allowance to witnesses for loss of time. He trusted they would have the power of allowing some compensation to these people, who were suffering the most extreme distress. He trusted the hon. Gentleman would be able to give some explanation on these points, and with that understanding he should be inclined to postpone his motion.

Mr. *P. Thomson* was understood to say, that the cause of delay was the difficulty of bringing the Gentlemen together. With respect to the second question, he was unable to give a satisfactory answer, being unacquainted with the details of the measure.

The motion withdrawn.

SHERIFFS (SCOTLAND).] Mr. *Wallace* rose for the purpose of moving the appointment of a Select Committee to inquire into the nature and extent of the duties performed by the thirty Stipendiary Sheriffs of Scotland who were paid out of the Exchequer; also into the nature and extent of the duties performed by the fifty-two stipendiary substitutes, and to report how far it would be advisable to continue discharging the duty of Sheriffs in Scotland. The object of his motion was to save a sum of money that was now taken out of the Consolidated Fund. The question did not relate solely to Scotland, but to the Exchequer of the three kingdoms, and therefore he prayed the attention of the House. He should be able to establish his case satisfactorily by the documents in his possession. He regretted that the noble Lord, the Secretary for the Home Department, was not in his place—his excellent speech of last week on the subject of County Courts, would be found when examined strongly corroborative of the statement he had to make. How would English or Irish gentlemen feel if their judges sat in London or Dublin, and had the causes sent up from the country to them for adjudication?—that was what he complained of as to the Sheriffs of Scotland. He held in his hand a printed report which showed that the Sheriffs of Scotland did all their work by deputy. There were thirty of these gentlemen, and they had no less than fifty-two deputies, thus saddling the country with the expense of eighty-two judges. He was not opposed to the salaries—he would care little for them—it was the system he was opposed to, as being a most vicious and unprincipled one—it was a cowardly one—it was cowardly in the extreme, and therefore it was un-Scotish. What he demanded was, that the judges should sit in their own Court-houses, that they should not act by deputy, but act as all other judges did by sitting in an open court hearing witnesses, and having counsel before them to argue points of law, and so deciding the causes brought before them in a fair and open manner. It was supposed by many, that these county judges were not well and amply remunerated for their labour. He held a report in his hand, from which he would state to the House what these gentlemen actually received. From that report, it appeared that the Sheriff of the county of Aberdeen had 590*l.*, while his deputy had a salary of 379*l.*, thus saddling the county with an expense of 969*l.* The Sheriff of Argyle had a salary of 548*l.* he had four deputies, and the county for these five gentlemen was saddled with an expense exceeding 1,500*l.* In each county in Scotland, there was more paid from the public Exchequer than in the richest and largest county in England. In Ayr, the judge, who decided nothing, had 600*l.* a-year, and the substitute 369*l.*, and the whole county had 1,029*l.* a-year. In Berwick, the judge had 449*l.*, and the whole county 1,065*l.* a-year. In Dunbar, the county had 1,059*l.* Looking through the whole of the counties in Scotland, 13,429*l.* was received by those who did no duty—while, on the other hand, those who did the duty and had been most unjustly aspersed by some Members of that House for want of knowledge and integrity, whereas all the knowledge was on their side, received an equally large sum. He had observed it stated in the newspapers that the learned Attorney-General for England, himself a Scotchman, seemed to think it would not be proper for the professional Sheriffs to reside permanently within the jurisdiction in which they were judges. If they did not attend from day to day to their business—if they contented themselves merely with reading, and abstained from coming into collision with other lawyers, that was to say Scotch lawyers, they would soon lose their legal habits. The learned Attorney-General must know this was all "blather." The learned Attorney-General himself was employed in every Scotch case in the House of Lords, and therefore the futility of his doctrine must be seen. He knew this subject was not a very agreeable one to the House. He should move for a Committee of Inquiry; and he pledged himself that, if the House granted an inquiry, it should be a short one. He pledged himself to show that these judges were not only useless, but the causes of a very vicious system which ought to be entirely done away with. He had no doubt, also, that to abolish the system would save to the country from 14,000*l.* to 15,000*l.* a-year, and that there would also be a better administration of justice, one more agreeable to the people, more consonant to common sense, and more rational. The hon. Member concluded by moving for a Select Committee, to inquire into the nature and extent of the duties performed by the thirty Stipendiary Sheriffs in Scotland who are paid out of the Exchequer; also into the nature and extent of the duties performed by the fifty-two stipendiary substitutes of the aforesaid sheriffs, who are also paid out of the Exchequer, and to report how far it will be advisable to continue the system of performing by deputy the duties of Sheriffs in Scotland.

The *Lord Advocate* understood, that the inquiry proposed by his hon. Friend rested on two grounds—one economy, the other, the better administration of justice; and he also said that inquiry was necessary. His answer was, that inquiry had been already made by a commission, which had reported to the House, in which report there was full and ample information. It was said, that the sheriffs did not perform their duties. He (the Lord Advocate) contended that they had uniformly performed their duties efficiently. With regard to the question of economy, he apprehended that, if local judges were to be appointed, the expense would be great indeed. Suppose a Gentleman to give up his situation to accept the office, he would require a large salary to compensate him for loss, and to keep substitutes. He could see no advantage from an inquiry by a Committee. It would be impossible at this period of the session, to go through half the inquiry which was proposed by this motion. If the object of the hon. Member for Greenock was to have the present judicial system in Scotland altered, he ought at once to come forward with a motion on the subject, and let the matter be decided at once. He thought, however, that there were no sufficient grounds to justify any alteration in the present system, which had existed long, and had given the greatest satisfaction to the people of Scotland. It had been stated, that those sheriffs did nothing, and that their office was a sinecure. This he denied altogether. On the contrary, they discharged the duties imposed on them in a most satisfactory manner. He therefore felt bound to oppose the motion, and felt confident that the House would not concur in affirming the proposition brought forward by his hon. Friend.

Mr. *Hume* said, his hon. Friend's complaint was, not that the Sheriffs did not do their duty, but that they had no duty to perform—that it was all done by deputy. His hon. Friend wished for a Committee, where he would prove that the business would be much better done by one Chief Judge going circuits, with assistance if he wanted it. Was it possible that they should be paying thirty judges, who did nothing but attend to their practice in Edinburgh? In Ireland, the assistant barristers went their circuits, and left their practice, and they gave satisfaction. He submitted to the noble Lord, the Secretary for the Home Department, that this was a question worthy of his attention, and that it was not right to have an establishment of sinecure judges in any part of the country. Let those who filled the office of judges be well paid, but fully competent to discharge their duty, and let them discharge that duty. It appeared, from the return of the sums paid, that, on an average, 1,100*l.* a-year was paid for each county. He did not think it was any argument to say, that this was an old system, at a period when they were engaged in correcting old systems. He thought that the present motion ought to be agreed to.

The *Attorney-General* felt bound to declare, that the system of sheriffs depute and sheriffs substitute was a system which he had always admired, and the more so as he compared them with the system in other countries. Lord Bacon, in the time of Elizabeth, complained that England was the country at that time the worst off with respect to local courts and local judges. He thought the system in Scotland an admirable system. The advantage of the sheriff substitute was, that law was thus brought home to the door of the poor man, and if anybody was dissatisfied, there was an appeal to the sheriff depute. Now he thought it a great advantage to have an intermediate court of appeal between the court of the sheriff substitute and the court of session. He maintained the opinion, that the sheriff depute was enabled to discharge his duty much better, by attending to the practice of his profession during a part of the year in the Parliament House in Edinburgh, than if he were to reside continually in a remote and distant county. He thought the present sheriffs discharged their duty in a most exemplary manner, and that no good would arise from making any change in the existing system.

Mr. *Colquhoun* contended, that the advantages of the system of sheriffs depute and substitute was, that it made law cheap, and gave them also the benefit of men of experience and ability in their profession, who resided constantly at Edinburgh. It was an evidence how differently the people of Scotland viewed this system from that view taken by the hon. Member, that there was no expression of feeling from Scotland, in support of the cause which he had thought fit to take. On the grounds of common sense, he thought the present proposition exceedingly objectionable, and he might quote an opinion expressed by Lord Brougham, who had stated, that the courts of the sheriffs depute were the favourite courts of the people of Scotland. He felt bound to oppose the present motion.

Mr. *R. Steuart* was anxious to say a few words on this subject, as he had been prevented taking part in the debate on the Sheriffs Court Bill, having been in the Chair of the House on that occasion. He wished to state the grounds on which he had the misfortune to differ from his hon. and learned Friends, as well as the reason why he could not vote for the Committee moved for by the Member for Greenock. The Attorney-General had truly stated, that they were in possession of all the information necessary, and that no good would result from an inquiry before a Committee. He thought so, too, and should therefore vote against the motion of his hon. Friend; but having that information, he arrived at a very different conclusion from his learned Friends. He had before expressed his opinion, that the present system of non-resident sheriffs was bad, and he again most strongly declared his disapprobation of it. The only argument in its favour was, that if resident always in the counties, the Sheriffs would lose their knowledge of law. Now, if this was good against them, *à fortiori*, it was good against their substitutes, who, on that principle, ought to be displaced every five or six years; but the returns before the House proved the reverse to be the case; for, notwithstanding the rust accumulating from constant residence, they shewed that out of above 44,000 decisions made by these resident sheriffs substitute, only 3,000 were appealed, and only ninety decisions were altered by their more learned principals in Edinburgh. On these grounds he was anxious to see the present system changed, and one resident sheriff appointed, on a good salary, to each county; there would be no increased expense, and universal satisfaction would be felt in Scotland. He must, however, vote against the Committee, for the reason before stated, but he would be quite ready to support any measure that might be introduced to carry out these views.

Mr. *Ingham* contended, that the sheriff substitutes performed their duties in a most satisfactory manner, and they were the better enabled to do so, from keeping up a constant correspondence with respect to the business of their Courts with the sheriffs depute. He had opportunities of knowing that these duties were discharged in a manner that called forth the entire respect and satisfaction of the people of Scotland.

Mr. *Warburton* would support the motion, though he could not concur in all the objections stated by the hon. Member for Greenock. If this court of sheriff-depute were a court of appeal, he thought the course taken was quite right; but it certainly was an anomaly for an appellate court to correspond with the court whose appeals it might have to try. What he would recommend his hon. Friend was, in case his motion should be lost, to introduce some measure that would have the effect of establishing an uniformity of decision in these different courts.

Mr. *Pringle* said, that through the means of these courts, they had not only cheap justice administered to the people, but it was administered in a most satisfactory manner. The present system gave the utmost satisfaction to the people of Scotland, owing to the excellent manner in which the onerous and important duties of these offices were discharged. The present motion was totally uncalled for, and he felt bound to oppose it.

Lord *J. Russell* would vote against the proposition, for the simple reason that it appeared to him that these Courts gave complete satisfaction. They had decided many cases of considerable importance, and there had been very few appeals from their decisions to the superior Courts. Besides, it did not appear to him that the people of Scotland were dissatisfied, or considered the present system as dilatory, expensive, or uncertain. The fact of their being old did not justify the retention of these Courts, neither was their being old, in his opinion, a sufficient reason for their abolition. After the opinions which had been given by his right hon. and learned Friends the Lord Advocate and the Attorney-General it was not necessary that he should state his reasons at any great length. The present system might, perhaps, be changed without injury: but the fact that the present was one that administered justice to the public satisfaction, and one from which no appeal was made, was sufficient to determine his vote.

Mr. *Wallace*, in reply to the noble Lord, could give his positive assurance that these Courts were detested all over Scotland—and none but the lawyers in that House would stand up in their defence. Both the Lord Advocate and Attorney-General might be very well supposed to have a bias in favour of the system as moving amongst the class benefitted by it, who were, one and all, constituents of the right hon. Gentleman. But he cared nothing for that; he would make an offer, and that was to repair to any country town in Scotland and ascertain public opinion as to the system. He would certainly divide the House on this motion.

The House divided—Ayes 19; Noes 53: Majority 34.

East India Policy.] Mr. *W. W. Wynn* presented a petition from a considerable number of the most respectable inhabitants, both European and native, of Madras and Bombay, praying that the power of deciding upon local improvements and other details of Government might be restored to the governors and councils of those presidencies.

Mr. *G. W. Ward* said, he was too well aware of the disinclination of the House to enter upon questions connected with our Indian policy, to be surprised at its present appearance. [There were about sixty or seventy Members in the House.] He did not pretend to think this policy unnatural. Information upon such subjects was so scanty, and the pressure of other matters upon their time and exertions was so imperative and unremitting, that he did not feel surprised that gentlemen could not afford leisure or inclination to qualify themselves to give an opinion upon matters relating to a distant possession of the Crown, and which required much pains and study to master. If, however, any case ever chanced to be made an exception to this rule, he thought he was fully justified in saying it was the case he had to submit to the House that evening. The matter at issue, lay in a comparatively small compass, and might be easily mastered. It was, however, a subject which had excited the most intense interest throughout the whole British-born population of India. This feeling had been manifested in the petitions which had been presented to the House, and in the applications which had been made to the court of directors of the East-India Company, and to the Board of Control. The prayer of these petitions and applications, was a simple and legitimate one; it was merely for inquiry, and he did not see how the House could refuse that prayer without entirely falsifying the expressions that were used during the debates upon the Indian charter, when it was distinctly stated by almost every person who took part in the debates, that whatever abuses might arise under the charter, if injustice were committed, and redress required, the aggrieved party must look to Parliament for sympathy and justice. He thought, at the time, that this was a wise policy. He was sure that they all felt the want of a connecting link between this country and the distant possessions of the Crown, and he hoped that Parliament would become that link. If they wished to do so, they must not refuse to take into deliberate consideration, practices which were brought before them, and which were supported by the most earnest demonstrations of public feeling. He did not mean to say, that the House was to be harassed by perpetual motions for inquiry; but the greater the power intrusted to individual governors, and the more distant the possession, the greater was the necessity for Parliamentary interference. If he did not show, that there were good grounds for the present motion, if he did not bring forward the most serious and legitimate reasons for investigation, if he did not prove, that great grievances were inflicted upon the British-born population of India, and that they had legitimate cause of complaint against certain recent enactments of the Indian Government, under the charter of 1833, he would admit, that his whole case fell to the ground, and that he had no claim for inquiry, and that the House would do wrong to sanction such inquiry. He had to complain of changes made by the Indian Government which affected the legal rights of every British-born subject in India whether as an individual, as a proprietor, a husband, or a father. These changes had excited feelings of strong, and, as he thought, very just resentment amongst the European population, and this without conferring any benefit whatever upon the native population. There had not been the slightest demonstration of feeling on the part of the native population hostile to the jurisdiction of the Supreme Court, but on the contrary he had presented a petition which contained very strong demonstrations of respect and attachment of a large population for the very court whose jurisdiction had been in a great degree superseded. This petition he had presented at the commencement of the Session; he had carefully analysed its signatures, and amongst them he found the names of two hundred of the principal merchants, some being Hindoos, every Parsee merchant of standing or influence, 200 native merchants, and 1,400 British residents, from the thirty-two districts of Bengal. This showed that the parties complaining were not actuated by any petty feeling connected with locality or party spirit, but solely by a common sense of a common grievance. And what was that grievance? It was stated in the first paragraph of the petition to which he had referred, and stated so concisely, and to his mind satisfactorily, that he would read it to the House:—

> "That an act has lately been passed by the Legislative Council of India, promulgated as law, entitled Act No. XI. of 1836, purporting to repeal the 107th section of the 53rd Geo. 3rd, c. 155. That the object of this new Indian law is to render all the British-born subjects of the Crown throughout these territories amenable to the jurisdiction of the provincial courts (many of which are presided over by Mahomedan and Hindoo judges, the number of such judges in the presidencies of Bengal and Agra not being less than ninety-six, and to take away the appeal to his Majesty's supreme court, from which an appeal lies to his Majesty in his Privy Council in all cases in which the amount in dispute exceeds 4,000 rupees."

He would beg the permission of the House to allow him to make as brief a statement as possible of the system of the administration of justice in India. That system consisted of the following machinery:—In the first place, there were provincial courts, which were generally presided over by Hindoos or Mahomedans, and which had jurisdiction over cases of only a certain amount. From these courts there was an appeal to the district courts, which were presided over generally by Englishmen, persons with English feelings and education; but whose legal education was necessarily very imperfect, it being almost altogether confined to attending some few lectures at Haileybury College. There was an appeal from these courts to the Commissioners of districts, from whom there was again an appeal to the Sudder Dewany Adawlut; and, lastly, there was the Supreme Court, from which court there was an appeal to the Privy Council in all cases not exceeding

4,000 rupees, or 400*l.* This was the system of law as administered in that country, qualified only by the Act of 1770, which provided that whenever a case occurred to which no specific law applied, then the judge was to decide according to justice, equity, and good conscience. What these might be, would, of course, vary according to the sentence of each judge, as there was no body of precedents to establish the law. This was the machinery established in India, and it was at once obvious that it established a total dependence of the judges upon the Company—a dependence which was studiously kept up by transferring the judges from one district to another at pleasure. But more than this, they were transferred by the Company from one distinct branch of duty to another; and a man who was one day in the political department, might the next day be in the commercial department, and the day after in the legal department. They were thus taught to look to the favour of the Company as the only road to promotion, and were kept in complete subserviency. He might mention many instances to prove this, but he would content himself by mentioning the names of Sir Edward Colebrook and Mr. Thackeray, who were superseded in consequence of delivering judicial opinions displeasing to the Company. There was another consideration which affected the opinion generally entertained of the judges, namely, their total want of a proper legal education. There were, he admitted, many most eminent men in the service of the Company, but very few of them had a proper knowledge of the English law. The Sudder Dewany Adawlut was supplied with officers who possessed a great knowledge of the Hindoo and Mahomedan laws, but they were ignorant of the English laws. The proceedings were all carried on in the Persian language. There was no translation to fix these proceedings; and, in short, any one who trusted to find the English law administered at their hands would be wofully disappointed. There was another serious complaint of these courts, namely, that the officers, the adjuncts of all the courts, who were mostly Hindoos, were persons whose venality was notorious. This was stated in the strongest terms by an opulent merchant of Calcutta at a public meeting; and, indeed, the fact was generally well known and admitted. To remedy, in some measure, the want of independence on the part of the judges, and to quiet the complaints that were then very generally made, the supreme court was established in 1770, before which, so extensive and independent was its jurisdiction, the Company itself might be compelled to appear. An appeal existed from this court to the King and Privy Council, but only in cases exceeding 4,000 rupees in value. The Act of the 53rd Geo. 3rd, c. 155, which was passed in the year 1813, and which effected the next great change in Indian jurisprudence, was passed to remedy the inconveniences and hardships to which the natives were put by the exclusive jurisdiction of the Supreme Court:—He would read the three sections of that Act which applied to this subject, viz., the 105th, 106th, and 107th sections:—

> "And whereas his Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of his Majesty's courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the courts established by the said United Company within the said territories, to which all other persons, whether natives or others, inhabitants in the said territories without the limits of the towns aforesaid, are amenable: And, whereas, it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where his Majesty's courts are established, as in case of civil controversies with such British subjects: Be it therefore enacted, that it shall and may be lawful that justices of peace in provinces, shall have jurisdiction in case of assault and trespass committed by British subjects on natives of India. And be it further enacted, that in all cases of debt, not exceeding the sum of fifty rupees, alleged to be due from any British subjects, to any native of India, resident in the East Indies, or parts aforesaid, and without the jurisdiction of the several courts of request, established at Calcutta, Madras, and Bombay respectively, it shall and may be lawful for the Magistrate of the zillah or dictrict, where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive, to all intents and purposes. And be it further enacted, that all British subjects of his Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or

possession of any immoveable property in any part of the British territories in India, at the distance of more than ten miles from the several presidencies of Fort William, or Fort St. George and Bombay, respectively, shall be subject to the jurisdiction of all courts, which now have, or hereafter may have, cognizance of civil suits, or matters of revenue, either originally or by way of appeal, within the districts or places, where such British subjects shall so reside, or carry on trade or business, or possess, or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue (except as hereinafter excepted), in the like manner as natives of India, and other persons not British subjects, are now liable to the jurisdiction of such courts by and under the regulations of the several governments of Fort William, Fort St. George, and Bombay respectively."

These three sections constituted the law of India for twenty-three years. During that time no complaint had been made respecting the working of them, either by Europeans or natives. They had worked well, and inspired confidence in all who lived under the law. They secured the administration of justice; the expense of a suit in the Supreme Court was not greater than to the Sudder Dewany Adawlut. [Sir *J. C. Hobhouse:* That is a mistake.] He had the very best authority for his statement. Well, this state of things continued until the passing of the charter, in 1833, as established by the act of the 4th of Wm. 4th, c. 85. A great and most extraordinary power was given by this charter to the Governor-General, and the Legislative Council. They had the power of repealing, amending, or altering any laws or regulations then in force throughout India, with some few exceptions. Under the same act, a law commission was established, of which one of the members was Mr. Macaulay, who had been a most distinguished Member of that House. He wished to speak of the talents of that hon. Gentleman with sincere respect and admiration, but it was his duty to add that it was not always the most brilliant orator that made the safest practical statesman. If Mr. Macaulay had attended a little more closely to the instructions with which he was sent out, he would not have excited so strong a feeling on the part of the people in India by the part which he took there. In those instructions, he was recommended to use the greatest caution and premeditation before interfering with the rights and powers of the existing courts of justice; and the instructions further suggested the absolute necessity, before any change was made, to pay due regard to the distinctions of caste, and to the difference of race and religion which existed in India. The British subjects of India, did not object to the establishment of a principle of equality in the administration of the laws; but, on the contrary, whilst they admitted that the cases of Mahomedans should be tried by Mahomedan laws, and before a Mahomedan tribunal, British subjects should in like manner have the advantage of British laws, administered by a competent tribunal. This was, in his opinion, the only fair mode of carrying out the principle of equality in such a case; and this was all that the British subjects in India required. The British subjects of India had the advantage of this principle up to the year 1836, when this Act, No. 11 of the Legislative Council, was passed, repealing the 107th clause of the 53rd Geo. 3rd, c. 155, and rendering all residents within the territories of the East-India Company, subject to the mofussil courts. On this extraordinary inroad being projected against the rights of the British subjects in India, a memorial was presented to Lord Auckland, from the British-born inhabitants of Bengal, praying that the Act No. 11, 1836, might be rescinded. The following was a passage from this memorial:—

"That the proposed rescission of the 107th section of the statute of 53 Geo. 3rd, c. 155, being made without any restriction or qualification whatever, it will necessarily follow that suits or actions or criminal trials wherein British-born subjects are plaintiffs and defendants will be tried by laws to which they are total strangers; that the whole proceedings will be in a language to them unknown, and but partially known to their judges themselves, entailing, from the construction of the country courts, the certain occurrence of enormous bribery, and the most corrupt proceedings, and exhibiting the unprecedented anomaly of an English judge trying a suit in British territory, between English subjects, in a language unintelligible to the suitors, and but imperfectly understood by the judge, and such trial to be decided according to laws to which Englishmen are strangers, with appeal only to a higher court of the same character."

To this memorial a reply was sent, signed by Mr. W. H. Macnaghten, the Secretary to the Legislative Council, which was penned throughout in a very jesuitical tone, and stated that "neither the 107th section of the charter of 1813, nor the proposed act, had any reference whatever to criminal trials, both relating exclusively to civil suits." The hon. Member then read the following passages from this communication:—

"You will, therefore, perceive, that the question is not between one law and another, but merely between one tribunal and another: not between the law of England and the law of the mofussil, but between the Sudder Dewany Adawlut and the Supreme Court, bound to act exactly as if it were the Sudder Dewany Adawlut. The rescinding the 107th clause of the Charter Act of 1813 will make no change in the rights of British subjects. Its effect will be merely this, that what has hitherto been done by the Supreme Court will be done by the Court of Sudder Dewany Adawlut. The substantive law remains the same. The law of procedure remains the same. The individual judges only will be different. The law, according to which the Sudder Dewany Adawlut will decide appeals from the mofussil, will, as has already been said, be exactly the same law according to which the Supreme Court is now bound to decide them. In a great majority of cases the judges of the Sudder Dewany Adawlut will, probably, be better acquainted with that law than the judges of the Supreme Court can possibly be. Points may, doubtless, arise which cannot be properly decided without a knowledge of the English law; but it does not appear to his Lordship in Council that it will be more difficult for a judge of the Sudder Dewany Adawlut on such an occasion to learn what the English law is, than it is for a judge of the Supreme Court to obtain information touching the Hindoo or Mahomedan law. As respects the mode of procedure, the Sudder Dewany Adawlut has a clear advantage over the Supreme Court. The Charter Act of 1813 directs the Supreme Court to conform, on appeals from the mofussil, to the practice of the Sudder. With that practice the judges of the Sudder must necessarily be quite familiar; the judges of the Supreme Court have to learn it."

The whole of this communication, so far from throwing any satisfactory light on the subject, was couched in studied obscurity of language, and left the vital points, to which the memorialists referred, totally untouched or skilfully evaded. A second memorial was, therefore, addressed in the following terms:—

"That they (the memorialists) have perused the draft of an Act published for general information, enacting that no persons whatever shall, in any civil proceedings whatever, be henceforth excepted from the jurisdiction of any courts of the East-India Company's Government (except moonsiffs' courts); and have also perused the letter of Government in answer to a former memorial of the British-born inhabitants of Calcutta, praying that the said Act might not pass; and your memorialists are left in doubt whether it is the intention of Government, by the proposed Act, to give to the judges of these courts, and to British-born subjects, in all civil proceedings whatever (not even excepting marriage, and inheritance, and succession to property, real and personal), no other law or rule of civil conduct than what the judges of those courts may deem to be the rule of justice, equity, and good conscience; or whether it is the intention of Government that the laws of England, in some or any cases, shall be administered in these courts. Your memorialists, labouring under the most serious doubts, respectfully pray your Lordship in council will be pleased, in the first instance, and before the said Act be passed, to remove them by a clear and explicit declaration of the intention of Government as to which of these laws it is proposed in future to administer to British-born subjects in all civil proceedings."

To this second memorial, which, in his opinion, was a strictly respectful and legitimate application, a second letter was addressed by Mr. Macnaghten, if possible more obscure, more technical, and more equivocal than the first, but compressing all those qualities into an infinitely smaller compass. It was deemed dangerous, no doubt, to give any reasons, so Mr. Macnaghten confined himself to a single paragraph in the following terms:—

"I am directed by the right hon. the Governor-General of India in council to acknowledge the receipt of your memorial, dated the 15th ultimo, and to inform you that the Act respecting which you inquire makes no alteration whatever in any part of the substantive law. The Company's courts are directed by the regulations to decide according to equity and good conscience only in cases in which no other rules exist. The proposed Act repeals no existing rules. To whatever extent, therefore, the English law of inheritance, marriage, and succession, is now in force with respect to British subjects residing in the Mofussil, to the same extent it will continue to be in force after the passing of the proposed Act."

The question of the British-born subjects of India was what law they were in future to be subject to, and they were told in reply, not that they had a right to British laws, or to any laws, but that to whatever extent they had a right to it before, they might retain it. The object of the petitioners in their present application to the House of Commons was to bring their case before a Select Committee, when they undertook to prove that they had never been subject to the Mofussil law except only in cases where they had undertaken by bond to be so as a condition of residence. They undertook to show also that they were placed in a worse position than before by the Act No. 11, 1836, of the East-India Company, which they could not but consider an illegal Act and informally adopted, because, by the Act of 1834, the East-India Company had no power to abolish any courts, or alter in any way any matters relating to the prerogatives of the Crown. The memorialists of Bengal spoke in the following terms on this point:—

> "That your Memorialists, without presuming to question the general authority of the Legislative Council of India to make laws for the good government of the Indian territories, yet venture to suggest that, as that authority is conveyed by Act of the British Legislature, it must be exercised strictly subordinate thereto and conformably therewith, and consequently that the Legislative Council of India does not possess the power, under the present Act of 3 and 4 of William 4th, c. 85, of abolishing any courts of justice established by his Majesty's charter, without the previous sanction of the honourable Court of Directors for the Affairs of India, nor of abolishing a court of justice established by Act of Parliament, even with that sanction; that the 46th clause of the 3rd and 4th William 4th, c. 85, which gives implied authority to abolish courts of justice, with the sanction abovementioned, expressly limiting such power of abolition to courts of justice established by his Majesty's charter. But the courts of appeal, in cases of British-born subjects, from the courts of justice established in the interior of India, are courts of justice established by Act of Parliament."

The right of appeal was, in his (Mr. Ward's) opinion, one of the principal features of our security, one of the palladiums of our liberties; and he was quite at a loss to imagine under what pretence this high privilege should be taken from the British-born subjects of India. He was not prepared to enter upon the legal points of the question, and perhaps he might be told that a Committee of the House of Commons was not a tribunal to decide upon a point of law. This he was prepared to admit; but, at the same time, the Committee might hear evidence, and determine data, to guide them as to the propriety of interfering with the Act of council of which the petitioners complained. In the course of the important discussions which took place in 1833 on the subject of the East-India charter, he recollected, that apprehensions were expressed of the effect of the extraordinary powers proposed to be given to the Government of India, but the answer to those apprehensions was, that Parliament would always be ready to interfere and remedy any abuses of power which might occur. He recollected one hon. Member asking whether it would be possible that trial by jury might be abolished by the new Government, and he was told, that Parliament would at once interpose its authority and render such an innovation impossible; and the debate was wound up by a speech from Mr. Robert Grant, now governer of Bombay, from which he would just read the following passage:—

> "The admission of British subjects into India makes it necessary for us to create a strong Government, but still it will be a Government of law, and of law containing as much of English principle as possible. But hon. Gentlemen should remember, that if the Government in India should make any arbitrary changes it will be controlled by the authorities at home, and also by Parliament; and take what precautions you will, your real security is in the justice of the Government, controlled by the authorities at home, and in the omnipotence of Parliament, which—whatever they are now—will, I doubt not, be perfectly efficient under the new system."

He maintained, that the time was now come when it should be put to the proof whether these powers of Parliament were a truth or a mere delusion. The time was come when the powers of the House of Commons should be exercised, at least as far as instituting an inquiry into allegations of such grave importance as those contained in the present petition. He knew he might be told, that in the present instance he was the advocate of an exclusive privilege to a small class. He maintained, however, that such was not the case. The petitioners claimed no exclusive privilege, and if they did he would not stand up to advocate them. All that the British subjects of India claimed was, to be allowed to enjoy the rights which they had always hitherto enjoyed, and which was still enjoyed by the Mahomedan inhabitants of these territories, namely, the right to have their own laws administered by competent tribunals. He should, therefore, conclude by moving that "a Select Committee be appointed to inquire into the allegations contained in the petitions from Madras and Calcutta, and to report to the House in what manner and to what extent the Act of the Legislative Council of India of 1836, No. 11, affected the constitutional rights of British-born subjects in India, the prerogatives of the Crown, and the general interests of the United Kingdom."

Sir *J. C. Hobhouse* said, that he had certainly no right to complain of the tone and manner in which his hon. Friend had introduced this very important subject to the notice of the House; and though he agreed with him that they had not a very flourishing audience to listen to the debate, yet if Gentlemen present would afford him an equal share of attention to that which they had given to his hon. Friend, he thought that he should be able to convince them that there was no ground for agreeing to the motion which had just been put from the Chair. Before he proceeded to discuss the merits of the question, however, he must certainly be permitted to observe, that if his hon. Friend had put a substantive motion upon the notices of the day, comprising the course which he intended to call upon the House to adopt, instead of a general notice "to call the attention of the House to the petition from Madras and Calcutta" on this subject, he would have better consulted the convenience of the House, and the highly important claims of the subject matter itself. He (Sir J. C. Hobhouse) had certainly been told to-night, in private, by his hon. Friend, that he intended to move for a Committee, and he had also been prepared for a similar application by his friend Mr. Turton, who had come over from India expressly as the leader of this heavy grievance. He must say, that the hon. Member for Sheffield, as in duty bound to his clients, had somewhat exaggerated this grievance when he spoke of the universal complaints which prevailed throughout India on the subject of this Act, which, as he alleged, affected not only the rights of all the British-born subjects of India, but of the Mahomedans themselves, and of the absolute necessity which existed for the power of the British Parliament to interpose its authority to repeal this most tyrannous Act of Lord Auckland and council. But the fact was, and this was the most melancholy part of the whole case, there was no grievance at all; for he had recently received a letter from India stating, that the "Black Act" as this Act was also denominated, was never heard of; that it was quite forgotten and dead, except when revived by a letter from Mr. Turton from London. Really that the time of the House of Commons should be taken up in this way with complaints absolutely about nothing, he thought, at the least, was rather extraordinary. His hon. Friend said, that this Act affected the rights of all the inhabitants of India; but he must have been aware that this Act did not in any way apply to any persons but those resident in the interior or provinces of India; residents in Calcutta, Bombay, and Madras, were not at all affected in one tittle by it. But although the British inhabitants of Calcutta, Bombay, and Madras, were not affected by this law at all, yet in one of those presidencies, Calcutta, the first complaint had originated, and magnanimous men were those who made it, for they said it did not affect them; it left them where they were; but they would nevertheless come forward for the sake of those who were in the provinces, and pray for an appeal to the King's Courts in Calcutta, and then his hon. 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What reason was there, then, for any complaint to be made if the Supreme Government took away that which the inhabitants of the provinces never availed themselves of, and if they had done so, that it would have been only attended with the grossest injustice and partiality? His hon. Friend had said, that the Act was uncalled for, but he would proceed to show that this was not the case, and that the grossest except only in cases where they had undertaken by bond to be so as a condition of residence. They undertook to show also that they were placed in a worse position than before by the Act No. 11, 1836, of the East-India Company, which they could not but consider an illegal Act and informally adopted, because, by the Act of 1834, the East-India Company had no power to abolish any courts, or alter in any way any matters relating to the prerogatives of the Crown. The memorialists of Bengal spoke in the following terms on this point:—

> " That your Memorialists, without presuming to question the general authority of the Legislative Council of India to make laws for the good government of the Indian territories, yet venture to suggest that, as that authority is conveyed by Act of the British Legislature, it must be exercised strictly subordinate thereto and conformably therewith, and consequently that the Legislative Council of India does not possess the power, under the present Act of 3 and 4 of William 4th, c. 85, of abolishing any courts of justice established by his Majesty's charter, without the previous sanction of the honourable Court of Directors for the Affairs of India, nor of abolishing a court of justice established by Act of Parliament, even with that sanction; that the 46th clause of the 3rd and 4th William 4th, c. 85, which gives implied authority to abolish courts of justice, with the sanction abovementioned, expressly limiting such power of abolition to courts of justice established by his Majesty's charter. But the courts of appeal, in cases of British-born subjects, from the courts of justice established in the interior of India, are courts of justice established by Act of Parliament."

The right of appeal was, in his (Mr. Ward's) opinion, one of the principal features of our security, one of the palladiums of our liberties; and he was quite at a loss to imagine under what pretence this high privilege should be taken from the British-born subjects of India. He was not prepared to enter upon the legal points of the question, and perhaps he might be told that a Committee of the House of Commons was not a tribunal to decide upon a point of law. This he was prepared to admit; but, at the same time, the Committee might hear evidence, and determine data, to guide them as to the propriety of interfering with the Act of council of which the petitioners complained. In the course of the important discussions which took place in 1833 on the subject of the East-India charter, he recollected, that apprehensions were expressed of the effect of the extraordinary powers proposed to be given to the Government of India, but the answer to those apprehensions was, that Parliament would always be ready to interfere and remedy any abuses of power which might occur. He recollected one hon. Member asking whether it would be possible that trial by jury might be abolished by the new Government, and he was told, that Parliament would at once interpose its authority and render such an innovation impossible; and the debate was wound up by a speech from Mr. Robert Grant, now governer of Bombay, from which he would just read the following passage:—

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It was quite true, that a proposition was made by his hon. Friend (Mr. C. Fergusson) the present Judge-Advocate, not of as extensive a nature as that which was now proposed, but only that the powers of the Government of India should not be extended over the Supreme Court, or the Court of Mofussil, but over the courts of the three precedencies. The first speech he should quote was from Mr. Wynn:—

> "Let it not be supposed (said that right hon. Gentleman) that I am arguing, that now, when Englishmen are to be allowed to go all over India, they shall be accompanied by the protection of English law wherever they proceed; I wish the privilege to be continued only in the three presidencies, where a great number of Europeans are congregated together."

He should next advert to what was said by Mr. Warburton:—

> "If the protection of British law could at once be extended to the natives of India, I would be disposed to take the same view of the question as the hon. and learned Member for Dublin; but, when it is allowed, on all hands, that this is impossible, I think it wise to get rid of a distinction which establishes two classes in the community, as was the case under the feudal system."

Lord Sandon also declared his opinions on the same debate, in these words:—

> "Unless the hon. and learned Gentleman who moved the amendment can show that the jurisdiction he wishes to preserve will not extend infinitely beyond the local limits of the three presidencies, I shall vote with his Majesty's Ministers. The exercise of the jurisdiction of the Supreme Court has more than once exposed our power in India to great hazard, and I cannot consent to continue that cause of danger. There will be this great advantage, also, in having the same laws for Europeans as for natives, that it will give us an additional security for their goodness; because, if European subjects feel themselves oppressed, they will make remonstrance here; and whatever is done for their relief will also be a relief to the natives. It is of great importance to strip adventurers, going from this country, of the notion that they are to have a greater degree of protection than the natives."

This was the real answer to all the complaints urged by the hon. Member for Sheffield. If when we had opened this vast country to all European settlers whatever, we allowed them to go there with the notion that they were to be protected in an especial manner; if, instead of conforming to the laws, and submitting to those tribunals to which the natives were obliged to appeal, and by which they regulated their conduct, we suffered them to enjoy an unfair privilege, then adieu to the spirit in which what he hoped would prove the new charter of Indian liberties was framed in 1833, by which an attempt was made to communicate those institutions which made this country so great and happy, and of which he hoped the complaints of the privileged class (the hitherto privileged class) would never be able to deprive the inhabitants of India. The motion made by Mr. C. Fergusson was, as he had said, a very modified one: it only related to the capital towns, and it proposed to deprive the Supreme Government of any power over them. Yet this motion was negatived by a large majority. There was not the least notion of abrogating any power ever possessed before by the East-India Company, or to take away from the courts of the East-India Company any jurisdiction which they before enjoyed. No man thought of so arguing, and the President of the Board of Control, in order that the matter should not be misunderstood, stated,

> "The principle which I laid down when I introduced this measure to the House was this, that, ultimately, there should be no distinction between Englishmen and the native subjects. Is it to be supposed that, in the presidencies, the Governor-General in Council will at once enter upon the monstrous course of legislation which the hon. and learned Member has suggested? I am willing to proceed by degrees to the attainment of my ultimate object; but I will not yield the great principle, that English subjects shall be amenable to the same tribunals as natives. When hon. Members talk of the sacred rights of Englishmen in India. I ask where they exist? Do they forget that the Indian Government at present possesses the power of deportation? I know of no chartered rights which give Englishmen in India the privilege

of saying, that they will not be amenable to the same laws as the people about them. I never will consent to such a system as this. If we give absolute power to the Government of India, it is for the protection of the natives. The principle we are about to establish is the first step to improve the character of the natives, and to prepare them to receive the free institutions of England."

Mr. Charles Buller also said,

"That persons going to India ought to conform to the Government established there; and that the laws which are considered good enough for the natives ought also to be good enough for them. He hoped that the Committee would not consent to the continuance of a favoured class in India, which must necessarily excite the jealousy of the natives."

This opinion was confirmed by Sir C. Hyde East, Sir E. Ryan, one of the most distinguished judges of the Supreme Court of Calcutta. His right hon. Friend, too, (Sir C. Grey) who ought to know something of India, coincided in the same view. His right hon. Friend had a crotchet on the subject, for he proposed that a *locus experientiæ* of about ten miles square should be selected, whence, if the privileges of the Supreme Court were found to be successful, they were to be extended to the rest of India. But where this notion did not interfere with his views, his right hon. Friend joined most heartily in the opinion, that if Parliament clearly understood and adhered to the law of 1833, they should put all the subjects of her Majesty on an equal footing. Sir E. Ryan also declared, in a minute dated the 2nd of October, 1829,

"That the great extension of the British territories since the charter of 1774, has given to the court a range of jurisdiction which at places remote from Calcutta can only be considered a mockery of justice, if it be not the means of fraud and oppression. Serious inconveniences must be experienced unless the persons allowed to settle in the interior are made subject, with the rest of the inhabitants, to the authority of the local courts. To leave the European owner or occupier of lands, or the manufacturer, at great distances, subject to the Supreme Court, or subject only to the Mofussil courts, with the limited powers which they at present possess, would tend to such a system of fraud and injustice, and leave the natives so entirely at the mercy of the settlers that I think it would be an insuperable obstacle to the allowing Europeans to settle in the interior, &c. On every consideration it would seem desirable to place all classes of his Majesty's subjects in his Indian territories as far as possible under the same laws, amenable to the same tribunals and to the same forms of trial."

Yet this was a system in favour of which Mr. Turton promised to agitate until he saw it extended over all India. It was asserted, however, that Englishmen carried their laws with them to the countries in which they settled. Englishmen never did so in India, except to this extent, that they received protection from the Supreme Courts in those cases which came fairly before them. It was, however, as great a fallacy to say, that an Englishman carried English law with him as that he carried Westminster-hall to that country. But this was the first time that an Englishman was supposed to carry with him certain armour for his protection, and to be placed in a different position from the Englishman in the Mauritius, in Trinidad, or Berbice. The hon. Member for Leeds told the House, that the Mofussil courts were ignorant and corrupt, and that they were, in fact, such tribunals as no Englishman could consent to be tried by. Was that true? If so, shame on England which had so misgoverned this vast Peninsula, which had been a source of opulence and fame to this country, as to institute an unsound and iniquitous system of jurisdiction! But he begged to deny the fact. If time served, he could show that, although these courts were not such as they ought to be—although justice was not as well administered by them as it ought to be, still he could prove, that we had no right, if the law was considered good enough for our Indian subjects, to exempt a privileged class belonging to our own country from its operation, and enjoying already so many advantages, which belonged exclusively to those who possessed that distinction. His hon. Friend and the petitioners were likewise misinformed when they supposed, that the present Act was the first to deprive British subjects of the privileges which it was stated they were so desirous to obtain. Why, by the Act passed in 1813, the right of appeal was allowed only to British defendants and not to British plaintiffs; and if the deprivation of this right worked such monstrous injustice at present, how did it happen that, for twenty-three years, no plaintiff ever complained of the loss which he was compelled to undergo? That fact was alone sufficient to upset the whole case of his hon. Friend, namely, that this power of appeal was given only to the defendants, in cases wherein a similar power of appeal would lie for the natives to the Company's Supreme Court, and yet not a single complaint was urged by plaintiffs against the hardship of withholding from them this precious right. He was surprised to hear his hon. Friend, who had evidently bestowed much attention on this subject, state, that British residents stood in need of a safeguard in India. Did he know how India was governed, or how our government of that peninsula was maintained? Had he ever heard or read of a difference between the races of India? Did he know that we were there in the place of conquerors, with a Government maintained by a vast army, which, he was sorry to say, *ex necessitate rei*, was described and confessed to be despotic? Tell him that an Englishman, one of the conquerors, and of those who still maintained their conquest, wanted a safeguard in India! Why, in such a province, the great difficulty must be to get a native who dared almost to look an Englishman in the face. The Commons ought to be glad, that the Indian Government, in a moment of sympathy for their subjects, stood forward to vindicate the principle of an equality of rights; and if, on this occasion, instead of encouraging its inclinations, they endeavoured to repress its efforts, they would not only fail in their duty to it, but to the natives of India and to the country, which had sent them to legislate not only for England but for all her possessions. The hon. Gentleman had laid great stress on the advantage of the protection afforded by the King's Courts. He was not going to say anything disrespectful of the King's Courts, but he was obliged to speak the truth. He spoke in the presence of those who knew much more about the subject than he did, and he put it to them whether, if the protection of the King's Courts meant the right of taking the natives from Sohagur to Calcutta, it was any more than a confiscation of their property? He found the following account of the manner in which justice was distributed by the King's Courts in Madras and Bengal:—"The expenses of litigation in England are so heavy, that people daily sit down under wrongs and submit to losses rather than go to law; and yet the English are the richest people in the world. The people of India are poor, and the expense of litigation in the Supreme Court is five times as great as the expense of litigation in Westminster-hall. An undefended cause, which might be prosecuted successfully in the Court of King's Bench for about 8*l.* sterling, cannot be prosecuted in the Supreme Court under 40*l.* sterling. Where our English barrister receives a guinea, a barrister here receives two gold mohurs, more than three guineas. For making a motion of course, an English barrister receives half a guinea, a barrister here receives a gold mohur. Officers of the courts are enabled to accumulate in a few years out of the substance of ruined suitors fortunes larger than the oldest and most distinguished servant can expect to carry home after thirty or forty years of eminent services. I speak of Bengal, where the system is in full operation. At Madras, the Supreme Court has, I believe, fulfilled its mission. It has done its work; it has beggared every rich suitor within its jurisdiction, and is inactive for want of somebody to ruin. This is not all. Great as the evils of the Supreme Court really are, they are exaggerated by the apprehensions of the natives to a still more frightful magnitude. The terror with which it is regarded by them is notorious. Within the last few months, in consequence of an attempt made by some persons connected with that court to extend its jurisdiction over the suburbs of Calcutta, hundreds of respectable and wealthy natives petitioned the Government, in language indicating the greatest dismay, 'to give to every English defendant in every civil suit a right to bring the native plaintiff before the Supreme Court is to give to every dishonest Englishman an immunity against almost all civil prosecution.'" This character was given of the jurisdiction of those courts by Mr. Macaulay, and was confirmed in much stronger language by Mr. Ross, Colonel Morrison, and Mr. Shakespeare. His hon. Friend had said, that Mr. Macaulay would have done well not to have legislated so quickly in adopting the suggestion of the law commission with respect to the act under consideration. The law commission had nothing to do with the matter. Mr. Macaulay only assisted the Governor-General in council when this Act was passed, which was confirmed by the governors of Madras and Bombay in council, and which was now objected to by Mr. Turton. The great merits and high genius of Mr. Macaulay, all parties acknowledged in and out of that House; and even if he should have that act fixed on him, he did not think it would be detrimental to his fame. He was convinced that the government of India, in taking this step, did so for the purpose of carrying into effect the charter of 1833. There were in India a number of British who were holders of land, and if to suit their wishes the English common law of landlord and tenant were introduced, the inevitable result would be great disorganization and confusion. The only remedies on this head properly applicable to India were those now in force, namely, the laws of replevin and distress. His hon. Friend had concluded his speech with what he had not expected to hear from him, namely, a doubt as to whether or not the Indian government, in respect to this Act, had not exceeded its powers. His hon. Friend admitted he was not lawyer enough to decide the point, but would throw it out whether or not the act of the Legislative Council did not interfere with the prerogatives of the Crown. That objection he could, in a very short time, dispose of. In the first place he had to observe, then, when the debates took place in Parliament on the India Act, the British Legislature decidedly contemplated giving to the Indian government jurisdiction over the Supreme as well as over the other Indian courts. The India Act was express upon the point, and in the list of exceptions to the clause describing the jurisdiction given by it, there was nothing which could possibly be construed into an exemption of the Supreme Courts. The Act forbade the abolition of any court established by royal charter, but, short of abolition, the Indian government was empowered to do with them as they might deem proper. His hon. Friend had devoted a great deal of attention to asking what, under the Act of which he complained, was the law. But the fact was, no alteration was made in the law: it was exactly the same as it was before 1836; and if the hon. Member sought further assurance on this head, he had but to refer him to the answer of Mr. Macnaghten to the complaint of the petitioners. "But," said the hon. Member, "what a shame to have these provincial courts in India deciding on questions of English inheritance, marriage, or divorce." But here was an error. The provincial courts would not have to decide on any such question. If both the parties were British, they need not go at all to the provincial courts; they might, in the first instance, address themselves to the King's courts, and there ruin themselves to their hearts' content. His task in defending the government of India—a task he entered upon as much from duty as inclination—now drew to a close. He fully granted that Parliament might and ought in cases of injustice or tyranny be appealed to by British subjects, but submitted that it would establish a most pernicious precedent if, where no case was or could be made out against the Indian government, they were to interfere with its acts, or control the powers which it exerted, so long as it did so in strict conformity with the provisions of the statute of the British Legislature. It was to the great credit of the Indian government that for many years past the British public heard little or nothing about it; and that, without exciting any great resistance, or getting up what was called a grievance, it had so long successfully controlled and maintained the sway of a vast empire. Such being the case, he hoped the House would see the propriety of rejecting the motion of the hon. Member for Sheffield. But supposing a Committee were granted, and called together to-morrow, what, he begged to ask, could it do?—what evidence could it collect?—what documents refer to which were not, at that moment, before them? There was, to be sure, Mr. Turton; but all the evidence he could give was detailed in his pamphlet. There was Sir Charles Grey, but he was a Member of the House, as were also his right hon. Friend, Mr. Cutlar Fergusson, Mr. Hogg, Lord William Bentinck; and these four Gentlemen could, in their places in the House, state their opinions on the subject quite as well as if examined by a Select Committee. Mr. Macaulay had not yet returned home, so that his evidence, which, after all, was the only one much to be desired, could not be heard. Under these circumstances, he hoped his hon. Friend would let his motion drop, and allow him to substitute for it one to the following effect:—"That the minutes of council on which was founded the Legislative Act (No. 11) of 1836 be printed."

Sir *Charles Grey* hoped, that the circumstance of his having presided for several years over a Supreme Court, as well as of his having been appealed to by the right hon. Baronet who had just sat down, would obtain for him the indulgence of the House while he offered a very few observations on the motion under consideration. In the first place, he had to observe that he was a little at a loss to understand the tone and manner of the right hon. Baronet in referring to him and his opinions upon the subject; and he begged to add, that if he rightly understood that tone and manner, the right hon. Baronet laboured under a misapprehension as to the part which he was prepared to take on this occasion. He had come down to the House with the intention of voting against the motion of the hon. Member for Sheffield, not from thinking that there was no ground for inquiry or consideration, but, because, he felt it was not likely that the appointment of a Committee would lead to a full and satisfactory investigation, or any report on which the evils complained of, if they existed, could be removed. This belief, he was bound to add, was much strengthened by the empty appearance the House presented. The right hon. Baronet had, however, gone far in making him a convert, not to, but from, his opinions; for having heard him bring forward the charges he had, and speaking of those charges as a Queen's Minister, who, of course, was to be supposed to know the subject of which he spoke, he had certainly some doubts as to the course it would be most honourable in him to adopt. As, however, he hoped to have some more effectual means of vindicating his character, and that of his brother judges, from the imputations which both directly and indirectly had been levelled at them, than was presented by the offer of a Select Committee, he had determined to keep to his original resolution, and to vote against the motion of the hon. Member for Sheffield. This was not, indeed, the first time the conduct of those courts had been called in question, not openly but secretly, and the present proceeding brought to his mind the recollection that he had been afforded an opportunity by the late Governor-General (Lord W. Bentinck) of vindicating himself and his brother judges against every charge which had been brought against them. That defence was in print; and if the right hon. Gentleman would consent that the document, with the other papers he had moved for, be laid before the House—if he were enabled to appeal to that document, he should then feel it incumbent on him to vote against the appointment of a Committee. Before proceeding to state his opinions upon the question, there were two or three points on which he wished to make a few remarks, with the view of clearing the way to a right understanding between himself and the right hon. Baronet. In the first place, the right hon. Baronet must allow him to say, that with respect to India he had yet much to learn, and much to learn too which nothing but a residence in India could impart. The want of this knowledge had caused the right hon. Baronet to fall into several misapprehensions. He had said, for instance, that the British residents in India had no interest in the present motion, inasmuch as it had reference solely to the country courts. Did the right hon. Baronet suppose that the British bankers or merchants resident in India might not occasionally have transactions which would oblige them to have recourse to the country courts, or that persons usually resident at Madras, Calcutta, or Bombay, never took journeys into the interior? There was no individual who was not obliged, in the course of his transactions, to go into the interior, and, consequently, he was likely to be engaged in cases in country courts. The right hon. Baronet appeared to him also to make some little mistake with respect to the equality sought to be established between the British and native Indians, and against which he supposed the petitioners before the House to protest. It was a popular topic everywhere to exclaim against the exclusive classes, but in the case of the British in India the exclamation was out of place. The petitioners in the present instance, and indeed he might say the same for all the British residents throughout India, had no desire to perpetuate their privileges as Englishmen one moment beyond the period that the Government of India raised the natives to a level with them, but they did dislike, and justly, to be degraded to the level of a people whom their own governors declared to be unfit for a free Government, and on whom free institutions could not safely be conferred. When the right hon. Baronet talked of equality, was he aware that the Hindoos did not enjoy the privileges of trial by jury? Was the right hon. Baronet prepared to say, because the natives had not the benefit of trial by jury, and because it was desirous to place them on an equality with the British residents, that, therefore, the British should lose that privilege? Slavery still existed among the Hindoos. Were the British, to preserve equality, to be made slaves of too? Nay, to show the topic in its most ridiculous light, why should not the native absurd and inconvenient laws of inheritance and joint tenancy be extended to the British? and why should not the English residents be permitted, like the Hindoos, to have nine or ten wives? The right hon. Baronet had maintained, with much appearance of triumph, that there had been only two appeals to the Supreme Court during a period of twenty-three years, and thereupon argued that there could be little injury done by the Act of 1836; but it was to be recollected, that the privilege of appeal was only allowed to defendants—a circumstance which, in a great measure, accounted for the fact; and then it was to be borne in mind that the Government of India, from a disinclination to have the somewhat lax system of laws with which it managed to carry on its affairs scrutinised by the members of the Supreme Court, were very likely, as far as possible, to discountenance appeals from the country courts. He begged to apologise to the House for having so long detained them with introductory matter, and would proceed shortly to state his view of the motion which had been made by the hon. Gentleman behind him. In his opinion the adoption of that motion would place the House in a state of great difficulty. It was well known to all who heard him him that in 1833 Parliament took from the East-India Company their trading capacity, and transferred the whole of it into the hands of private merchants. At the same time, Parliament gave a power to British subjects to purchase land in India, and to hold it for any term—for nine hundred and ninety-nine years, if they so pleased. Now, it was very obvious, that when British subjects were thus admitted—nay, were thus invited to purchase land, and reside in a country with which so many ideas of prosperity and grandeur were associated, a more perfect system of laws must be established than that under which the Hindoos and Mahomedans were living. Accordingly, Parliament did give the Government of India additional powers by the establishment of a Legislative Council, the members of which were nominally appointed by the East-India Company, but were actually appointed by the Crown. The authority of that Legislative Council extended over the whole of India, and over the courts established by the Crown. At the same time, Parliament so far restricted the authority of this Legislative Council, as to reserve to itself the power of altering, amending, or revoking any act of the council with which it might think proper so to deal. He appealed to the words of the act of Parliament to show, not only that Parliament reserved to itself this right, but that it promised to exercise the right on any proper occasion. He now came to the question of to-night. In the first place, had any occasion for interference been represented to the House? In the second place, would it be expedient in the House to interfere? With respect to the legality of the act of the Legislative Council, he was unable to dispose of that question so summarily as the right hon. the President of the Board of Control had done. He did not believe, as that right hon. Gentleman appeared to believe, that Parliament intended to give to the Government of India, through the Legislative Council, the power of absolute abolition. His view of the matter was, that nothing was to be done even approaching to abolition. Review, but not destruction, was the object of Parliament. But he did not rest on this. Neither with nor without the sanction of the directors was the Legislative Council empowered to pass any resolution affecting the royal prerogative. An appeal to the supreme court in all cases, in which the sum at issue was above 400*l.* was reserved, not by statute, for then the right would have been a legal one, but by the royal charter erecting the Supreme Courts in India. Was it not, therefore, a part of the royal prerogative? But this power of appeal was taken away by the resolution of the Legislative Council. With respect to the expediency of this resolution, he would simply say, that it appeared to him be inexpedient. It certainly was not an unreasonable proposition on the part of the petitioners, that British subjects, residing in all corners of India, being the purchasers of land, and, as purchasers of land, coming constantly in contact with the revenue officers, ought to retain the privilege of bringing their appeals before the Supreme Court. Surely this was a circumstance which deserved consideration. If they could have a tribunal within those walls before which cases might be brought, it would be another thing. But, without meaning to say anything in the slightest degree disrespectful of Parliament, the greatest body in the kingdom, the most awful body on the face of the earth, he must be allowed to say, that Parliament was not the tribunal best calculated for such investigation. A Committee of that House on the subject would be led into so wide an inquiry, that he put it to the hon. Gentleman who had moved for one, whether he thought he could, in the present Session, bring together a Committee, the proceedings of which could be conducted to a satisfactory conclusion and report? There was great risk, that as much harm as good would be done by the report of such a Committe. As he had already said in that case, when speaking of the affairs of Canada, he did not think that the report of the Committee of 1828, had been of any service with reference to those affairs. On the contrary, it appeared to him that that report had acted as a fetter on the Colonial-office. All the Ministers for the colonial department, since the year 1828, however varying in their own opinions, seemed to think it a mark of respect to the Committee of that year to endeavour to work out the suggestions of their report. He was apprehensive that a similar result would follow the appointment of the Committee now proposed, if they were to report prematurely. The evils in India would be much greater than in any of our other colonial possessions. If a Committee of that House were to take a view of the wide and difficult subject submitted to them not sufficiently comprehensive, and if Government were to act on their report, it was difficult to say, what evils might not flow from such a proceeding. For these reasons, he adhered to his original determination of opposing the appointment of a Committee, only hoping that the right hon. Gentleman would add to the papers the opinion which he (Sir Charles Grey) had put upon record on the subject, and the opinion, if any such existed, of the Law Commissioners. Sooner, or later, however, Parliament must take the matter up. They could not evade the task, and it was his most fervid wish, that a better tribunal than now existed, might be established for the control of the subordinate courts in the East-Indies, in the West-Indies, and in our North American colonies.

Mr. *Hogg* said, that the right hon. Baronet, at the commencement of his speech, had adverted in strong terms to the course which had been pursued by the hon. Member who had introduced this motion, in some slight attacks in which he had indulged upon the character of the civil service in India. In that attack, such as it was, he entirely concurred. The right hon. Baronet had said, that he thought the debate might have led to a much more satisfactory conclusion, had it been confined to the subject matter before the House. Now, he was astonished, after that observation, at the course which the right hon. Gentleman had himself pursued. The right hon. Baronet, throughout the whole of his excursive discourse, had scarcely at all addressed himself to the matter before the House. He had occupied himself with reading statements to the House, in the truth of which, if he seriously believed, he would have been bound that night to give notice of a Bill for the abolition of the supreme courts in India. If, on the contrary, the right hon. Baronet did not believe those statements to be true—if he did not know them to be true—then it would have been more becoming in a Minister of the Crown to stand up in his place and support the Queen's judges. This, he repeated, would have been more becoming than to read to the House a statement to the effect, that the courts at Calcutta, Bombay, and Madras, were almost what might literally be styled "public nuisances." The right hon. Gentleman had next dilated on the charms of uniformity—a matter upon which they were all agreed; and, difficult as the task might be to attain to uniformity of legislation in India, he hoped that it might yet be accomplished. What said the petitioners? They said, that the Hindoos had their Hindoo law administered by competent judges; that the Mahometans had their Mahometan law adminstered by competent judges. "We (said the petitioners) have our English law also, and, for God's sake, leave us so." At all events, it was surely proper that the existing law should be allowed to remain undisturbed until the new code was framed and perfected. He had spent some time in India, and this was his excuse for occupying the attention of the House upon this subject. He was desirous to point out, not what were the abstract rights of British subjects, but what rights they had positively enjoyed, and how it was proposed to alter their condition. The right hon. Baronet had fallen into numerous errors in treating of this subject. Amongst others, was that of asserting, that British subjects could not transmit landed property to their heirs in India. He happened, however, to have the Act of Parliament beside him which gave them this right in perpetuity. The Supreme Court of Calcutta, succeeded, in 1773, to the Mayor's Court, which had existed since 1723, and succeeded to the exclusive jurisdiction with which the latter had been invested over British subjects, in civil as well as criminal matters. This exclusive jurisdiction continued until 1813, when the limitation of the power of British subjects to resort to the interior having been to a great degree removed, British subjects were for the first time rendered amenable before courts of native jurisdiction by the 105th and 106th sections of the 53rd George 3rd. By this state of the law, all parties were contented. The native had his remedy on the spot against the British subject, who had also his remedy by appeal to the Supreme Court at Calcutta, and he too was satisfied. The matter had remained so, within his (Mr. Hogg's) experience, for seventeen years, without a single murmur of complaint. The system he believed to have worked well; and, at all events, why alter it before they had completed the arrangement of the new system which was to succeed it? Throughout those seventeen years he admitted, that there had been only one appeal; but this was only a proof that this right of appeal had acted with a powerful and beneficial effect upon the inferior courts. Practical inconvenience there was none to demand this change. It had been stated, that at the period of the last renewal of the charter, matters had been altogether changed in this respect; but he (Mr. Hogg) could not perceive the force of this argument. The great grievance and source of oppression in the administration of justice in India was the change of appellate court. A great degree of evil had also arisen from the employment of natives, since the year 1813, as judges in suits between British subjects and natives—judges who, being Mahometans or Hindoos, were for the most part ignorant of a word of English, and whose decisions, therefore, although they might be just, must necessarily be unsatisfactory. This outrage to British feeling in India was particularly remarkable in such cases as those involving the validity of marriages amongst British subjects, or the legitimacy of their offspring, which were also tried before Mahometan or Hindoo judges, although necessarily incompetent to decide a complicated question of English law. Why the decision of such questions should be taken from the Supreme Court, and given to inferior courts, he was at a loss to know. He wished not to cast the slightest reflection on the Company's civil servants; on the contrary, he freely bore testimony to their efficiency; but they passed their time in studying the Mahometan law; they were therefore competent to administer it, and that he readily admitted. In its administration, moreover, they had the aid of Mahometan and Hindoo law officers, but when called upon to administer the English law, they received no assistance whatever. Thus, then, were they called upon to administer a law of which they were ignorant, without legal assistance, while they received it in the administration of the law which they had studied, and perfectly well understood.

Sir *J. R. Carnac*, was opposed to the motion on many grounds, amongst which was this—that, as a general rule, every British colony enjoyed its own laws; that the French law prevailed in Lower Canada; that the French and Spanish laws were in full force in all colonies which had ever been governed by French or Spanish authorities; and why, he would ask, should that administrative system be unfit for strangers who came of their own accord to live in those colonies which was not unfit for the natives, and under which they had lived for so many years—nay, for so many centuries? He would ask, also, why should India suffer penalties or inconveniences to which no other British possession was exposed? Why should there be one rule for all our other colonies, and a different rule for India? It had been said, that the education received by the civil servants of the East India Company did not qualify them for the discharge of administrative functions. He would contend, that it was not so. They might not, it was true, be so thoroughly disciplined in habits of legal subtelty as to qualify them for the judicial office in such a country as England; but the question was, did they or did they not possess sufficient knowledge to discharge in this country the duties of a police magistrate, or a justice of the peace; for if they did, and he believed the contrary would not be asserted, they were fully equal to any offices which they might be called on to fill in India. The questions which they had then to decide arose out of social relations so very simple, and so little varied, that they were as competent to the task of determining those cases as men of the best legal education. The complications and refinements of law arising out of a more advanced stage of society no doubt demanded increased legal skill and knowledge; but such was not the condition of India, and it was therefore perfectly unwarrantable to argue against the regulations framed under the Act of 1833 upon grounds so destitute of foundation as those which hon. Members took up in the course of the present discussion.

Mr. *Williams Wynn* said, he could have wished this matter to have been previously brought before the Privy Council. He quite agreed with the last hon. speaker that the interests of the natives were of primary importance. When an Englishman went out, he did so, subjecting himself to the local courts, and to the general rules which were established. With regard to the motion before the House, looking at the small number of Members present, he should advise the hon. Gentleman who had brought it forward not to press it, but to accede to the amendment, for it was highly important that the fullest investigation should take place. He trusted that all the papers which had been moved for would be granted, and that the late chief justice of Calcutta would re-produce the minutes on the subject. He must express the deepest regret at the course which had been taken by the right hon. Gentleman opposite, but, at the same time, he was quite sure that he would not oppose the motion captiously. He was ready to admit, however, that the minutes ought not to be produced unless the right hon. Gentleman was prepared to introduce a bill immediately to improve the state of the Supreme Court. With respect to the minutes themselves, he must express his surprise that any man employed as an officer of the Government should use language of a nature so rhetorical as that contained in them, without having first considered the effect which might be produced by it; and he must say that it was really of a description such as he did not expect to see introduced into a public document without some cases being quoted in corroboration of the statements which were put forth.

Mr. *Vernon Smith* rose to offer some observations in reply to the right hon. Gentleman opposite, and declared that there was nothing in the minutes which threw any imputation on the courts of judicature, except on the score of the enormous expense incurred in supporting them. If it depended on the Government to reduce that expense, no doubt effectual measures would long since have been taken to secure the desired object; but it arose in a great measure from the extent of the fees given to council, which were much heavier than those given any where else. No such thing as public opinion had been expressed against the law. There was, it was true, the public opinion of the residents of Calcutta, but that was not a criterion on which any reliance could be placed, and there was no indication whatever that the natives of the country entertained opinions opposed to the law. All the blame or praise which was to be derived from the introduction of the measure had been thrown upon Mr. Macaulay, and he was confident that that gentleman would not shrink from bearing the effect of any dissatisfaction which might be exhibited. He, however, thought that great praise was due to him, for his was the first attempt which had been made to put the settlers on the same footing with the natives of the country. It had been suggested that such an arrangement was a species of degradation to the English, but he did not see the force of that observation, and he would beg to inquire whether English settlers should be introduced into the country without their being compelled to submit to its laws as already established? Hon. Gentlemen need have no fear that the Europeans would not receive due protection in India; the greater fear was that the natives would receive too little. He was of opinion that what was commonly called the Black Act was of considerable benefit; and with respect to the expression of public opinion, he agreed with Mr. Macaulay that one of the most difficult tasks of a statesman was to withstand the clamours of those immediately around him, and to look to the interests of the millions whose voices he might never hear, and whose faces he might never know, and it was with this difficulty that Mr. Macaulay grappled. For the first few years there were no petitions upon this subject, but they increased as greater pains were taken by parties to get them up; and a very active gentleman, Mr. Dickens, the secretary, had much promoted their number by widely circulating letters requesting not only signatures to petitions, but also subscriptions in aid of his endeavours. After all, however, which had been adduced, he saw no sufficient reasons for a Committee. Many papers had been produced—others would be laid on the table, and if they were not sufficient, the hon. Gentleman, the Member for Sheffield, could at any time see more at the office of the Board of Control; but, on behalf of the Government, he thanked the hon. Gentleman for bringing forward his motion and creating a discussion on the affairs of India, which had been heretofore too little noticed in Parliament.

Mr. *Elliot* said, that Mr. Macaulay had been blamed for the expressions which he had used respecting the Supreme Court, but he (Mr. Elliot) recollected that the same expressions were used many years since by his lamented friend Sir Ralph Palmer, the chief justice of Madras, who had told him that "the natives had been ruined by the Supreme Court, and that the reason why there was no more business in the courts was, that there were no more rich people to be ruined;" and he did not think that Mr. Macaulay could be blamed for now using similar language. With respect also to the judges of the Zillah Court, they were not chosen from young men; they were taken from persons who had been some years in India; neither did he think that their removal from one court to another was any evil, because the knowledge which they acquired in one place would be of advantage in another; nor was it, in his opinion, improper that Europeans should be subject to these courts, when it was known that the East India Company was very frequently sued in the Zillah Courts.

Mr. *Ward*, in reply, said, that the right hon. Gentleman, the President of the Board of Control, had spoken rather contemptuously of the complaints which had been urged upon him, and had said that Mr. Turton had come over laden with grievances. Now, he thought that there was a time when the right hon. Gentleman considered these matters in a different point of view, and that at the early part of his political career a grievance in Westminster was not so unacceptable to the right hon. Gentleman. He still retained the opinions which he had expressed with reference to the Appeal Court; but after the disinclination which had been shown to support a committee of inquiry, and after the promise made by his right hon. Friend to lay on the table other and more valuable information with regard to this Act, he would not divide the House; but, reserving to himself the right to take any further steps which the circumstances of the case might seem to require, he would withdraw the motion which he had brought forward.

Viscount *Sandon* remarked, this debate had elicited one important fact, and that was, the great uncertainty of the state of the law in India. He hoped that the points which were in dispute would be ascertained and settled with as much expedition as possible.

Sir *J. Hobhouse* entirely agreed with the noble Lord in what he had said with respect to the present state of the law in India. He could only say that this subject had for a long time occupied the attention of Government, and he was happy to state that the criminal code was now finished, and that the Commissioners were now actively employed in preparing the civil code.

Motion withdrawn.

HOUSE OF LORDS,

Friday, March 23, 1838.

Minutes,] Bill. Read a second time:—Dissenters' Declaration.

Petitions presented. By Lord Brougham, upwards of 100; from various places, by the Earl of Radnor, from Malmsley, by Lord Redesdale, from Wesleyans of Coleraine, by the Archbishop of Canterbury, from North Walsham, Huddersfield, Bradford, and five other places, by the Marquess of Sligo, from five places in Nottingham, and by the Earl of Albemarle, from Ipswich, for the abolition of Negro Apprenticeship.—By the Earl of Winchilsea, from a place in Lincoln, against the Beer Act.

Negro Apprenticeship System.] The Bishop of *London* had a petition to present for the abolition of slavery, signed by a great number of most respectable persons resident at Tottenham, who complained, that the planters had violated their part of the contract, and he had been requested to express his concurrence in the opinion declared by the petitioners, if he could. If it could be presumed that the case was really as the petitioners represented, he certainly should have no hesitation in saying, that it would be only just as well as expedient to put an early termination to the present system of apprenticeship, and that it would be for the advantage of all parties, that steps should be taken as soon as possible to procure this end. He was not prepared to say, however, that the planters had violated their engagements. Even if many of them had done so, and a minority had observed good faith, he was not prepared to assent to the proposition, that the few should be made to suffer for the misconduct of the majority; yet he was not quite sure that the interests of humanity ought not to prevail against the interests of the people. If the safety of the colonies was to be considered as dependent upon the frame of mind of the population at the end of the apprenticeship system, and if there was any danger likely to result from the exasperated feelings of that population when that termination should arrive, he thought that less danger was likely to arise now than two years hence. With respect to compensation, he was aware that it was agreed to be paid to the planters on the calculation of their retaining six years services of the negroes, the emancipation being deferred. But this country appeared now to be fully of opinion that the same sum if paid for immediate emancipation would be fully sufficient; and, therefore, on pecuniary grounds the planter would have no reason to complain. He was convinced that immediate emancipation would be beneficial to this country and to the colonies, but still he doubted whether this country was not bound to adhere to the compact which had been entered into. With respect to the negroes themselves, he must say, that he thought there was little probability that the treatment which they would receive during the next two years, however humane it might be, and however it might tend to ameliorate their condition, would have the effect of rendering them satisfied with their present position, or with freedom when it should arrive, but, on the contrary, they would feel that it had come slowly, and they would experience less gratification, therefore, and would feel less gratitude for the favour which had been conferred upon them, whereas, if the great boon of complete emancipation were given to them at once, it would have the great effect of stifling their feelings of hatred to the English and to the planters and overseers. He was bound to say, that the case made out showed the interest of the country and of every well-wisher of the West Indies to be to secure a coloured population industrious and well-disposed, religious and inclined to appreciate the advantages conferred upon them by this country; and he felt persuaded that if it were possible to grant them the boon of immediate emancipation, it would excite in them feelings of the greatest gratitude and reverence to this country.

Lord *Brougham,* during the last two or three days, had been amply, and more than sufficiently, recompensed for all the anxiety which he had felt during the whole progress of this great discussion. He had been recompensed by the declarations of several noble Lords on the subject, first of the noble Marquess who sat near him, and next by a noble Lord opposite connected with the county of York; and now, lastly, by the right rev. Prelate in the calm and temperate, but most weighty, observations made by him on presenting the petitions to the House which had just been laid on the table. If anything could increase his satisfaction at the course which he had pursued, or if anything could induce him to accelerate the day on which he should renew this argument, by bringing forward for a second reading the bill which was on the table of their Lordships' House, and to which their Lordships had already given a first reading, it would be the statement of the opinions of those noble Lords, and more especially that of the right rev. Prelate. Even the doubts which had been expressed by that right rev. Prelate, from the manner in which he had expressed them, led him to believe, or at least to hope, that they would, when he came to give them full consideration, soon be thoroughly removed. He had derived still further satisfaction from his being made acquainted with what had passed last night during his necessary absence from the House on business connected with its judicial jurisdiction, with the declaration which had been made by the noble Marquess, the late governor of Jamaica, and which afforded him the greatest gratification. The noble Marquess, by his declaration, had, if possible, acquired a new title to the gratitude and praise of his fellow-countrymen in the colonies, and a fresh right to the respect of his fellow-citizens. The noble Marquess had avowed his sentiments upon the subject freely; but in his (Lord Brougham's) mind he had still further entitled himself to the gratitude of his country, and he had still further established the importance of his opinion, if such aid indeed was necessary to the declaration of an individual of such high authority, by stating his intention, let Parliament do what it might with the bill which was before it, and whatever the conduct of the local legislatures might be, to set free his own indentured apprentices on the 1st of August next. Conduct like this in an individual was most honourable, and was above all praise; and he sincerely hoped, that it would not be without its effect upon those who had applied their minds to the practical consideration of the subject; and it bore the strongest testimony to the statement of the right rev. Prelate, that there was no longer any doubt of the safety of the measure, or of the advantages which would be derived by the colonies, and by the slave, or that it would be both creditable and profitable to the mother country itself; and when the noble Marquess came forward, and by such a step declared that he could with safety, and without sacrifice, emancipate the negroes who were on his estate, it might be readily inferred that it would be still more safe if the measure were made general, and that that which could be done by one individual, without detriment, might be done in reference to all. He would not now enter into the principles of the measure afresh, as he believed that such a course would be attended with very great inconvenience, further than to say, that there was an abundant answer to the question of compact referred to by the right rev. Prelate; and he hoped to convince him, when the time should come for a general discussion of the measure, and which would be soon after Easter, that there was nothing in the nature of a compact entered into at all in these cases.

Lord *Wharncliffe* said, that he felt himself bound to state to the House, that what he had said on a former evening was in consequence of his presenting a petition, praying undoubtedly that the negro should be emancipated as soon as possible. At the same time, it was for the House to consider how far it was possible to get rid of the cruelties practised; and, he repeated, that if satisfactory measures were not taken in reference to the subject, he should be prepared to go the whole length of calling for the immediate emancipation of the slaves. There were doubts on his mind, however, as to the possibility of this great step being taken without some prepararation in the islands themselves in the way of legislation, for, supposing the negroes should be freed, a black might claim to vote for the election of members of the Legislative Assemblies.

Lord *Brougham:* Unless they were freeholders they would not have votes.

Lord *Wharncliffe:* Perhaps he was mistaken on that point, but at all events there were the questions of police and poor-law. Those persons who had hitherto necessarily been supported by their proprietors, but who, from sickness or age, had become incapable of obtaining a livelihood, would require some measure to be adopted for their maintenance. Another point of importance was, that when the proposition was first brought forward, the planters were to have a loan of 15,000,000*l.*, and the services of those persons for twelve years. That period was afterwards shortened to six years, on condition of their receiving a gift of 20,000,000*l.* It was evident, therefore, that the services of the slaves were secured for six years. These were the doubts which he felt. But the atrocities committed in the West Indies were so great, and the refusal to pass laws for the protection of the slaves was so notorious, that, unless some regulations were adopted to insure the proper treatment of the slaves during the remainder of the two years, he should be prepared to emancipate them at once.

The Marquess of *Sligo* said, the qualification for voting was 16*l.* 10*s.* currency, equal to 10*l.* sterling, which he thought was too much; 10*l.* currency would be quite sufficient. If blacks obtained property and influence, they ought to be represented, and he thought the noble Lord would not object to it. As to the militia, he wished that it was altogether black. The negroes had been intrusted with the protection of property, and the blacks were found to be more faithful than the whites. He, therefore, could see no danger in having blacks in the militia. As to the police force, he wished to see it considerably increased. With respect to the introduction of a poor-law, he conceived it to be absolutely necessary for the negroes and the planters; and he was confident, that if a meeting of the Assembly were called, on information being received that this Bill had passed, a poor-law would be agreed to immediately. Any man who treated his negroes properly would have plenty of labour. He was confident, that a poor-law ought to be passed immediately; and he was sure that better measures would be passed by the colonial legislature when they saw the determination of this country to carry the spirit and intentions of the Slavery Abolition Act into effect.

Petition laid on the table.

New Poor-Law.] The Earl of *Winchilsea* presented a petition from the Board of Guardians of the union of Kettering, in Northamptonshire, and signed by all the guardians but two. The petitioners expressed their decided belief, that the New Poor-law, as it had been hitherto administered, had been productive of advantage, not less to the poor themselves than to those who contributed to their support. At the same time, they were of opinion, from the experience which they had had of the last inclement winter, that a power of administering out-door relief ought to be vested in the guardians, and that the clause which prevented boards of guardians giving out-door relief, under any circumstances, ought to be so modified as to enable them to act in the administration of such relief on their own judgment and experience, as they considered that they must be better acquainted with the circumstances of each individual case than persons living at a distance. He entirely agreed with the sentiments expressed by the petitioners, as every application of an individual for out-door relief must stand on its own merits, and to send to the Commissioners in London to decide on every case would be giving them unnecessary trouble. He was quite convinced, that if this power were given to the guardians, the measure would be made much more palatable to the feelings of the lower orders. He regretted that his noble Friend (Earl Stanhope) was not present, as he would say, that he thought his noble Friend had done much to prejudice the people of England against the Bill, which he did believe had contributed greatly to the comfort and happiness of the lower classes. He was sorry that he was not present the other evening when his noble Friend addressed their Lordships on the subject of the New Poor-law, as he should have liked to offer one or two observations upon it. But for the future he, for one, should decidedly protest against his noble Friend, or anybody else, prejudicing the minds of the lower classes against this measure, which had been brought forward, not for the sake of the paltry saving which would result from its adoption, but in order to improve the condition and elevate the moral character of the lower orders; and, he repeated, that he should protest against any statements being made tending to prejudice the minds of the people against the measure, unless those statements were accompanied by the name of the individual who was prepared to authenticate them. There was one point more to which he would advert, and which he would press on the noble Viscount and his colleagues in office, and that was, that if such inflammatory language should again be used as was contained in the letters read by the noble and learned Lord (Brougham) the other night, it was their bounden duty to enforce the laws against the individuals who employed such language. He maintained, that those letters contained a direct incitement to a violation of the law, and that if destruction of life or property had ensued, the writers would have been answerable for it.

The Earl of *Radnor* said, that if the prayer of the petitioners were complied with, it would destroy the whole efficiency of the Bill. He would observe, also, that the prayer of the petition was founded on mere speculation, as there was no allegation that inconvenience had been suffered from the want of power to administer out-door relief.

The Earl of *Winchilsea* remarked, that a letter from the chairman of the board of guardians had come to him with the petition, stating that inconvenience had arisen, and therefore it was but reasonable to assume that the petition was founded on the inconvenience which had been experienced.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, March 23, 1838.

Minutes.] Bill. Read a second time:—New Loans.

Petitions presented. By Mr. Hutton, from St. Michan's parish, Dublin, by Mr. Hawes, from Denmark-street Chapel, Walworth, by Mr. G. Knight, from Stapleton, by Mr. Bulwer, from Lincoln, by Sir R. Ferguson, from Nottingham, by Sir G. Strickland (17 petitions), from Birmingham and other places, by Mr. Baines (five), from places in Yorkshire, by Mr. Protheroe, from Halifax, by Lord Ashley, from Doughton, by Mr. Litton, from Coleraine, by Mr. Greene, from Lancaster, by Mr. A. White, from Sunderland, by Mr. Sheppard, from Frome, and by Mr. Brotherton, Mr. S. Lefevre, Major Aglionby, Mr. Lister, Mr. Briscoe, and Mr. Collier, from various places, for the abolition of Negro Apprenticeship.—By Mr Hogg, from the Vintners of Beverley, not to be made liable for goods not given specially into their care.—By General O'Neil, from the High Sheriff and Grand Jury of Antrim, against the Constabulary system; and against giving the management of the Dispensaries and Infirmaries to the Poor-law Commissioners.—By Lord Castlereagh, from the

Nobility, Gentry, Clergy, and Freeholders of the county of Down, against an uniform system of Poor-laws for Ireland.—By Mr. Liddell, from Wallsend (Northumberland), for an Amendment in the New Poor-law; and against the Bastardy Clause of that law.—By Mr. Bethell, from the Labouring Men of Hull, against the New Poor-law.—By Mr. O'Connell, several, from various places, against the Poor Relief (Ireland) Bill.—By Mr. French, from Medical Students, in favour of the Irish Medical Charities Bill.—By Mr. Kemble, from Coach Masters, against the Post-horse duty.—By Mr. Hume, from Dundee, against any further Endowments in the Church of Scotland; and from the Carpenters and Joiners of Kilkenny, to be heard against the charge of entering into illegal Combinations.

Constabulary (Ireland).] Sir *Robert Peel* begged to put some questions to the noble Lord respecting the constabulary force in Ireland, and the rumoured resignation of the gallant officer who for some time past had had the chief superintendence and control over that force. As the questions which he had to put were grounded on the discussion which took place in the House at the time when the change in the law respecting the Irish constabulary was made, he begged particularly to refer to that discussion. The House would probably recollect, that in February, 1836, the noble Secretary for Ireland proposed a bill making material alterations in the mode of appointing the constabulary force in Ireland. The proposal was to transfer the selection of constables from the local magistracy to either the Lord-Lieutenant of Ireland, or to some officer acting under him, and having charge of the force; and, in order that no mistake might be made about the noble Lord's expressions on that occasion, he (Sir R. Peel) begged to quote the very words used by the noble Lord, which were these:—

"With respect to transferring the appointment of the police force from the local magistracy to the Government, although that appointment would be nominally in the Crown, it would be practically in the hands of the inspector-general. He (Lord Morpeth) contended, that such an officer as the inspector-general would be able to exercise a much more careful and a much more unbiassed choice than could be expected from so numerous a body as the local magistracy. Without imputing any improper motives to that body, without ascribing to them any other political feelings than would be found to exist in any equally numerous body of the same station in society, it was clear that the magistrates would, in most cases, be very desirous to appoint their own friends. Now, as he apprehended, the inspector-general would be influenced by motives much more unbiassed, and his only object would be to make his force as efficient as possible for the public service."*

The noble Lord was followed by the noble Secretary for the Home Department, who held similar language, observing that—

"There was another inconvenience arising out of the present system, which it would be the object of the Bill now introduced to remove—namely, that while a great part of the police force was by common consent appointed by the inspectors, another part was appointed by the magistrates, and by this means became subservient to local interests, to party views, and to the motives and feelings of particular individuals. The object, then, of the present Bill was to place in one inspector-general the direction of the whole police force of Ireland, to give him a complete control over it, to empower him to organise it into one system, and thus to make the police in Leinster and in Connaught act under the same rules and directions. This, he thought, it would be admitted, was an object which belonged not to any particular party, or to one party more than another; it was a national object, an object which all who desired to see the efficiency of the police improved by a proper system of organization, and by that means wished to contribute to the maintenance and preservation of peace in Ireland, would be anxious to see accomplished."†

These reasons had had considerable influence with him and with many of his friends, though they had entertained strong objections to the proposed transfer. The noble Lord had added, that it had been the object of Government in selecting an inspector-general, to find "some person who had been for years unconnected with any party in Ireland, and who would perform the duties imposed upon him with entire impartiality and exactness;" and when, in order to remove all suspicion, and to give satisfaction to all persons interested in the matter, the noble Lord communicated to the House the selection Government had made of Colonel Shaw Kennedy, "an officer on whose temper, discretion, judgment, and impartiality, every dependence could be placed," and appealed to him (Sir Robert Peel) to confirm the statement he had made respecting Colonel Shaw Kennedy's high character, he (Sir Robert Peel) thought himself warranted in stating, that many of the objections which might have been urged against the proposal were, to a certain extent, if not entirely removed, by the announcement which had been made of the appointment of a gentleman free from all imputation of party bias, of the highest integrity and impartiality. He had, therefore, concurred in the arrangement proposed, but it was with a distinct reservation. He had said, that "the appointment of police officers was a trust which, if honestly administered, he thought had better be intrusted to the hands of the representative of the Crown than to any local authority. But he made that admission on the assumption that the trust was to be administered with perfect honesty. If it were otherwise—if the power conferred by the trust were perverted to other purposes, and were employed to gratify party animosities, or to confirm political advantages, then he would say, that the efficiency of the Bill would be totally destroyed. He thought that the noble Lord should adopt the same rule in Ireland as had already been adopted in the metropolis; and that those who were responsible for the good conduct of the men should have the appointment of them; and that the Government ought in no case to interfere in the nomination of officers for the purpose of gratifying any of its political friends. If Colonel Shaw were to be appointed to the head of the force, let him have the nomination of the men; and if he (Sir R. Peel) knew anything of that gallant officer, he would undertake to say, that he would exercise the power thus confided to him with honesty and discretion, and that, in a much less time than could otherwise be hoped for, a well-disciplined and efficient police force would be established in Ireland. And he felt bound to say, with great deference to the opinions of his hon. Friend, who had taken a different view of the subject, that he thought if the police force of Ireland were appointed and directed upon this principle, there would be a much stronger guarantee for its sufficiency, and freedom from all local and party prejudices, than could possibly be the case if the appointment of the men of whom it was to be composed were entrusted to the local authorities."* This principle he had conceived to be fully acquiesced in by the noble Lord, and it was this assumption that had induced him, among others, to waive any objections he might have had to the proposition. Now, it had been publicly stated that Colonel Shaw Kennedy had tendered his resignation; and what he wished to ask the noble Lord, was, first, whether the same rule was pursued in the appointment and promotion of officers and men in the Irish constabulary force as prevailed in the metropolitan police force? secondly, whether it were true that Colonel Shaw Kennedy had tendered his resignation, and whether that tender of resignation had taken place in consequence of any differences between him and the Government in the execution of his public duties? and the third question he wished to ask was, whether, supposing the resignation to have been tendered and accepted, it was intended that the same principle which the noble Lord had professed to be guided by in the selection of Colonel Kennedy would be observed in the appointment of his successor?

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* Hansard, (Third Series), vol. xxxi. p. 534.
† Ibid, page 541.

Lord *John Russell* could not undertake to answer all the right hon. Gentleman's questions, for he thought that with respect to the rule of appointment and promotion in the Irish constabulary force his noble Friend, the Secretary for Ireland, could give a much clearer account of the matter than he could. In reference to Colonel Kennedy he had to inform the right hon. Baronet, and it was with great regret, that Colonel Kennedy had tendered his resignation, and that it had been accepted. As to the grounds on which the resignation had been tendered, he did not think he could state them without sowing the seeds of future discussion on the subject, which, in a case of this kind, he did not think desirable. With respect to the course to be pursued in naming a new inspector-general, and conducting the future management of the constabularly force in Ireland, he had only to say, that having the highest reliance on the integrity, the great good sense, and honour of Colonel Kennedy, it was the intention of the Lord-Lieutenant and himself (the parties more immediately concerned) to take the opinion of that officer in reference to the future general management of the force, before his successor was appointed, in order to ascertain what improvement could be made in that department. As to another point suggested by the right hon. Baronet he could only say that he did not not think it would be possible to introduce an exact similarity between the rules for managing the constabulary in Ireland and those for managing the metropolitan police force. No one knew better than the right hon. Gentleman that the metropolitan police force was totally unconnected with the general government of the country, whereas it was essential that the executive in Ireland should have an immediate connection with the constabulary.

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* Hansard (Third Series), vol. xxxi. p. 544.

Sir *R. Peel* said, the noble Lord had misunderstood him. He had not asked whether the noble Lord intended to consult Colonel Shaw Kennedy or not, but whether the same principles which influenced the Crown in the choice of that gallant officer wonld preside over the choice of his successor? On the former appointment the noble Lord said it was amatter which ought not to be used for party purposes; it was a matter, the success of which concerned all equally—one in which all must feel a common interest, and that, therefore, it would be made solely on public grounds, and exclusively with reference to the fitness of the individual. What he wanted to know was, would the same principles govern the next choice?

Lord *John Russell* had no hesitation in saying, that the same principle would govern the appointment of the inspector-general who should succeed Colonel Shaw Kennedy.

Viscount *Morpeth* said, the right hon Baronet had correctly quoted, he believed, the very words used by him in introducing the Bill, and in every instance of an appointment to the force since that time it had always been left in the hands of the inspector-general.

Sir *R. Peel* inquired, whether it were the prevailing practice in the constabulary force that promotion to the upper class took place from the inferior class as the reward of good conduct?

Viscount *Morpeth* said, that promotion to the rank of head constables was confined to those who had served as sub-constables; there was no rule whatever to make them the superior officers of the force.

Subject dropped.

CONTROVERTED ELECTIONS.] Sir *R. Peel* wished to offer a suggestion to the noble Lord (Lord J. Russell) on a matter in which he believed the House would be animated by the same sentiments—he alluded to the projected measures for the improvement of the tribunal for the trial of controverted elections. Whatever might be the opinion as to the nature of the tribunal to be constituted for that purpose, the opinion, he believed, would be almost universal—that it would be exceedingly desirable to have a declaratory act, clearing up, as far as possible, the intricacies of the law, and to prevent the inconsistent determinations of election Committees. He would rather not make the proposition himself, because he felt it would have more effect if made by the Government. He wished, however, to offer this suggestion to the noble Lord, that there might be great advantage in having an examination of the evidence taken before election Committees, for the purpose of ascertaining what were the points in respect of which the greatest doubts prevailed, and the most inconsistent decisions had been come to. There would be great expense, and possibly there might be other objections to the printing of the whole of the evidence; and yet it would be extremely difficult to ascertain the precise amount of decisions unless the evidence were read on which they were given. He had heard many decisions quoted as authorities, which, on looking into the evidence, were found altogether inapplicable. It seemed, therefore, worthy of consideration, whether a Select Committee might not be appointed for the purpose of examining the proceedings before the election Committees during the present Session, and extracting such parts of the evidence on important points as would enable the House to see the precise grounds of their decisions. Although, possibly, there might be objection to calling for the evidence before a particular Committee, he did not think any could be raised to the production of all the evidence before all the Committees which had sat this Session. He suggested the appointment of a Select Committee, singly and solely for the purpose of ascertaining what decisions within a recent period it would be most important for the House to consider, with a view hereafter, by some declaratory act, of settling the law and guiding the determination of future Committees. He was indebted for the suggestion to his noble Friend, the Member for North Lancashire (Lord Stanley), and he could not help thinking a declaratory law might be passed with the general consent of all parties, which would cut off a fruitful source of uncertainty, promote uniformity of decision, and greatly diminish the expense, by simplifying and shortening the proceedings before election Committees.

Lord *John Russell* said, he should certainly take the matter into his serious consideration. He had no objection in principle to the proposition of the right hon, Gentleman, but he confessed if it were adopted he was not very sanguine as to its results, because those who were best able to judge of such matters, being Members of that House, and having great practice at the bar, could hardly be expected to pay that attention to the Committee which would enable them to come to a decision of great authority on the subject. At the same time, he should be very glad to see the experiment tried.

Sir *E Sugden* could not help thinking the difficulty apprehended by the noble Lord might easily be got over, as the case lay in a very small compass, and the opinion of the legal Gentlemen might, therefore, easily be had.

Mr. *O'Connell* never knew anything connected with law to be in a small compass. He thought the appointment of such a Committee would only be the means of continuing the present abuses by turning them into a different shape.

Sir *R. Peel* said, that objection did not apply to his proposition. The Committee should have no discretion to report on anything, except the decisions of Committees on litigated points, the evidence bearing on different decisions, and the decisions themselves.

Mr. *O'Connell,* in that case, should only say, the plan would be altogether inoperative.

Mr. *Hume* thought, the best mode of diminishing the expense before election Committees would be properly to define the qualification of voters. Until the register was made final in every part of the country it would be vain to hope for any diminution of the expenses of an election Committee.

Sir *R. Peel* said, it was to prevent adverse decisions on that point that he had suggested inquiry.

Subject dropped.

Poor-law (Ireland).] House in Committee on the Poor-law (Ireland) Bill.

On Clause 106, limitation of actions,

Mr. *W. S. O'Brien* said, he was anxious to call the attention of the House to the clause. He thought it a great hardship that the defendants in all cases were obliged to pay costs when in the wrong, and the Commissioners were exempt from costs when they happened to be in error. He begged to ask whether it was the intention of the noble Lord to alter the clause, so as to make the wrong-doer, whoever he may be, pay the costs.

Viscount *Morpeth* said, he must abide by the clause in its present shape.

Mr. *Lucas* begged to mention a case very nearly similar, which occurred to himself. A quit-rent collector went out of the barony and parish in which he was authorised to collect quit-rent, and distrained a tenant of his for 5*l*., which the farmer, sooner than let his cattle be driven off the ground, paid. The tenant came to him to complain, and it turned out that the townland was free from quit-rent. He hunted the matter up, and though he met with the greatest civility, he obtained no redress. He was informed, that if he sued the man and failed, he should have to pay the costs; but what was worse, it appeared that if he sued him and succeeded, he should still have to pay the costs; and so it was with the present clause.

Mr. Sergeant *Woulfe* thought, the hon. Member was peculiarly ill advised not to proceed against the wrong doer. With respect to the clause under consideration, he should object to giving costs against the Commissioners.

Clause agreed to.

On Clause 112. Power to the Queen to appoint a fourth Commissioner,

Mr. *Shaw* said, that in the discussion of a former part of the Bill, the Government undertook that there should be a Commissioner permanently resident in Dublin, to an office established there for the purpose of receiving applications, and affording information to all who might be concerned in the administration of the Poor-law in Ireland. He admitted, there was an advantage in having the whole system, both in England and Ireland, under the direction of one board—but that would be too dearly purchased if the Commissioners were all resident at Somerset-house, in which case the business of Ireland must necessarily be postponed to the more pressing demands upon their attention from England. The present clauses were only permissive as to one Commissioner acting in Ireland. He, therefore, could not agree to them without an express understanding from the Government that the entire attention and time and presence of one Commissioner, at least, should be devoted to Ireland.

Lord *John Russell* said, that it was intended that there should be one Commissioner permanently resident at Dublin, and that there should be an office at Dublin for the carrying on of the business of the Poor-law Commissioners. It might happen that in case of illness among the Poor-law

Commissioners in London, the Dublin Commissioner might be called to this country; but in that case, an Assistant-Commissioner would be appointed for the time, so that the business of the Poor-law Commissioners would always be attended to in Dublin.

Sir *E. Sugden* said, he understood a clause was to be introduced, making it necessary that one Commisioner should reside in Dublin. As the clause stood, it merely made it permissive in place of peremptory. The people of Ireland were decidedly of opinion, that there should be one Commissioner at the least resident in Dublin. Perhaps, therefore, the noble Lord would have no objection to introduce words to this effect:—"That there shall be an office in Dublin where one of the Commissioners shall be generally resident."

Lord *John Russell* had no objection to introduce the words.

Mr. *W. S. O'Brien* said, he was by no means satisfied with the clause as it stood; nor could he allow it to pass without entering his protest against it. It was absolutely indispensable to working out the measure that there should be a resident board in Dublin, and this was the unanimous opinion of the people of Ireland. It was his intention to move an amendment to the clause, and would leave it to the Committee to negative it if they thought fit. He should move, that three persons be appointed to sit in Dublin to administer the Bill. He should wish to see one of the Commissioners from the English Board; also, an eminent medical man; and the third, a person intimately acquainted with all the localities of Ireland. Such was the kind of board he purposed to substitute for the one resident Commissioner.

Viscount *Morpeth* said, the Committee having before expressed a very decided opinion on this point, he should not now re-discuss the question. He considered that his noble Friend, having adopted the suggestion thrown out on the other side, had done all that was required.

Clause agreed to.

In Clause 116—the interpretation clause —it was proposed to insert the words, "and also every fee-farm rent, and rent seck, and rent charge tithe shall include rent or composition in lieu of tithe, and also the minister's money charged under an Act made in Parliament of Ireland in the Session holden in the 17th and 18th year of the reign of King Charles the 2nd, for provision of ministers and corporate towns in Ireland."

Mr. *Shaw* opposed the insertion of these words. The Government had never intended that ministers' money should be made chargeable to the poor-rate; it would be unjust in principle, as a departure from the bill, which only professed to be a charge upon land, as against the landlord or *quasi* landlord in fee, in which light the tithe-owner was regarded in respect to composition rent, but could not be as to ministers' money; and it would practically bear with great hardship upon a class of income which was most difficult of collection by the clergyman, and in regard of which he had no benefit from the tithe composition acts. He protested against the shabby course the Government had taken in this matter; they not having introduced, or of themselves meaning to introduce, any substantive enactment, rendering ministers' money liable to the poor-rate, yielded to the pressure of the hon. and learned Gentleman (Mr. O'Connell), and now, in the interpretation clause at the end of the bill, as it were, smuggled in words, merely by way of interpretation, imposing a tax upon the clergy of a personal nature, to which no other class was subjected. He was aware that he would have a bad division, as his friends were quite taken by surprise, not having expected that such a course would have been adopted by the Government; but still, to show his sense of the injustice of that course, he would divide the Committee against the amendment.

Lord *John Russell* said, that so far from the question being decided the other night, the clause was allowed to stand over for consideration. His learned Friend, the Solicitor-General, had since looked into the acts, and had found the act creating ministers' money in Ireland to be very like that creating the stipend in lieu of tithe in London, and therefore he saw no necessity for exempting ministers' money from the payment of poor-rates.

Mr. *Litton* had not heard any principle suggested from the beginning to the end of these discussions to warrant the rating of ministers' money. The principle of the bill was, that nothing should be rated but lands or hereditaments, and therefore tithe was fairly subject to the rate, and the law dealt with it as land in all its qualities. On the other hand, ministers' money was granted by statute, in the nature of pecuniary aid, in which the clergyman had no vested right, inasmuch as it was quite optional with the Lord-Lieutenant, in council, whether it was granted or not. Under all the circumstances of the case, he thought it his duty to oppose the introduction of the words.

Mr. Sergeant *Woulfe* contended, that ministers' money was to all intents and purposes a charge upon the land, and therefore ought to be subject to poor-rates.

Sir *E. Sugden* said, he thought it quite clear that on principle this money should not be rated to the poor. If this money were the same as tithe, then it must be rateable, but, according to the Irish acts, it was impossible that it could be viewed in that light. He would suggest to the noble Lord, that he should propose a substantive clause relating to this matter, in order that the opinion of the House might be regularly taken on it, and the point set at rest.

The *Attorney-General* thought, that there was no evidence to show that ministers' money was not assessable. In London it had been ascertained that this species of impost was liable to rates. It was a contribution in respect of each house levied in the towns of Ireland for the support of the clergy, payable by the occupier.

Mr. *O'Connell* said, the law was quite clear upon the subject. Now Dean Dawson had 1,100*l.* out of the parish in which he (Mr. O'Connell) resided. The parish extended as far as Rathfarnham, so he, of course, received tithes from part of it, and on that portion of his income he would have to pay pror-rates, while it was sought to exempt the portion of his income derived from Merrion-square. Ministers' money was an annual income charged upon the house, and not the person: there was a remedy for non payment by distress. The contribution was levied on the same principle as tithes, and therefore ought not to be exempted from rates. He could not much congratulate the clergy of Ireland on the conduct of their friends, who struggled to exempt the ministers of the church in towns, where the greatest distress existed, from the payment of any amount towards the relief of the destitute.

Mr. *Goulburn* maintained, that though the clergy paid rates on tithe, it did not follow that they ought to pay rates on the commutation received on their other allowances. Many clergymen were paid by stipend, and it was not sought to charge them with poor-rates. The words of the act referred to were conclusive. "Whereas there was little or no tithe." Now, when there was none payable, ministers' money could not be said to be in lieu of tithe.

Mr. *O'Connell* thought, if an impost arising out of the land was burdened with rate, a charge on houses ought to be liable to it also.

Sir *E. Sugden* said, rent charges were exempt from rate; the present charge arose in the same manner, and ought to be exempted also. He insisted that there were no words in the Acts of Parliament bearing on the point which gave ministers' money as tithes, or in lieu of tithes. It was not because the rate would be payable by the clergy that he wished them to be exempted from it, but because this kind of rent charge was not rateable in the hands of laymen, and therefore could not, on any principle of justice, be rateable when received by the ministers of religion.

Mr. *Callaghan* said, he possessed some land on which he paid tithe—he built a house upon it, and the churchwardens forthwith demanded ministers' money. He paid both for a while, but he now paid only the ministers' money. There could, therefore, be no doubt that ministers' money was received in lieu of tithe.

Viscount *Morpeth* would not enter into the discussion of the legal question; he rose merely to state, that there was not the slightest warrant for the injurious terms in which the right hon. Gentleman had spoken of Ministers on this occasion, for the question had been mooted one night last week, when Government had distinctly reserved it for further consideration; and the words now proposed for insertion had been printed and circulated, and in the hands of hon. Members for the last four days.

Mr. Sergeant *Woulfe* said, the right hon. Member for Ripon had fallen into a mistake in assimilating this to a rent charge, for it happened, unfortunately for his argument, that rent charges were not exempted from rates by the bill. But this was not a rent charge; it was really and substantially a payment given by Act of Parliament in lieu of tithe, and as a substitute for it. Whether, however, it was considered in the same light as the money paid to the clergymen of London, or as a rent charge, it was impossible that the argument of the right hon. Gentleman could hold good.

Sir *E. Sugden* said, he had drawn the clearest distinction that words could express between a rent charge and a perpetual rent charge, which placed its owner in the position of a landlord.

The Committee divided on the original motion:—Ayes 59; Noes 26: Majority 33.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Aglionby, Major
Barnard, E. George
Barron, H. Winston
Barry, G. Standish
Beamish, Francis B.
Blake, Martin, J.
Bridgeman, Hewitt
Brotherton, Joseph
Browne, R. Dillon
Busfield, William
Butler, hon. Colonel
Callaghan, Daniel
Campbell, Sir John
Chalmers, Patrick
Chester, Henry
Curry, William
Evans, George
Fielden, John
Ferguson, Sir R. A.
Fergusson, rt. hn. R.C.
Grattan, James
Grattan, Henry
Howard, Frederick, J.
Howard, Philip, H.
Howick, Viscount
Hume, Joseph
Humphery, John
Hutton, Robert
Lynch, Andrew H.
Macleod, Roderick
Morpeth, Viscount
O'Brien, Cornelius
O'Brien, W. Smith
O'Callaghan, hon. C.
O'Connell, Daniel
O'Connell, M. J.
Parnell, rt. hon. Sir H.
Pease, Joseph
Redington, Thomas N.
Roche, William
Roche, David
Rundle, John
Russell, Lord John
Salwey, Colonel
Somerville, Sir W. M.
Stuart, Villiers
Strickland, Sir George
Style, Sir Charles
Thornely, T.
Vigors, N. Aylward
White, Luke
Wilde, Mr. Sergeant
Williams, William
Wood, George W.
Woulfe, Mr. Sergeant
Wyse, Thomas
Yates, J. A.

TELLERS.

Baring, F. T.
Rolfe, Sir R.

List of the NOES.

Barrington, Viscount
Bateson, Sir R.
Bentinck, Lord G.
Buller, Sir J. Y.
Castlereagh, Viscount
Conolly, Edward
Dunbar, George
Filmer, Sir Edmund
Gladstone, W. Ewart
Goulburn, rt. hon. H.
Hillsborough, Earl of
Hodgson, Richard
Hughes, William B.
Jones, Theobald
Kirk, Peter
Mackenzie, W. F.
Maunsell, Thomas P.
O'Neill, hon J. B. R.
Perceval, Colonel
Plumptre, J. P.
Powerscourt, Visc.
Praed, W. M.
Richards, Richard
Rolleston, Lancelot
Sugden, rt hon. Sir E.
Trench, Sir F.

TELLERS.

Litton, E.
Shaw, rt. hon. T.

Clause, as amended, agreed to.

Clause 26, one of the postponed clauses, was put, "It empowers the Commissioners to appoint paid officers to carry the Act into execution when the guardians shall not fulfil their duties."

Mr. *W. S. O'Brien*, in rising to propose the omission of this clause, said, he should be ashamed to present himself before his constituents if he allowed a clause appointing paid guardians to pass without taking the sense of the House upon it. He firmly believed, that there was no part of Ireland in which virtuous and component persons would not be found to form a board of guardians, ready to work out the bill in a spirit of fairness and probity. He should not trouble the House with any lengthened argument upon the subject, but would merely express a hope that no Irish country gentleman of spirit would be found to sanction the clause.

Colonel *Conolly* thought it possible, that circumstances might arise which would render the appointment of paid guardians necessary. He could not understand why the hon. Member for Limerick should take offence at Government providing against a fatality which was, at all events, of possible occurrence. In the west of Ireland, he very much feared that such a provision would be found necessary, and he could not bring himself to believe, that the Commissioners would have recourse, unnecessarily, to the powers with which the clause invested them. On the whole, as he could not see, that the honour of the country was at all involved in the decision to which the Committee may come, he should support the clause as it stood.

Mr. *Lucas* suggested, that as the Bill gave the power to divide the country into electoral districts, each district in which a paid officer was appointed ought to support such officer itself.

Lord *Clements* said, that if he really believed the true meaning of the clause to be that suggested by the gallant Member for Donegal, he should not object to it; but as he put a very different construction upon the meaning of the clause, he must oppose it.

Mr. *Wyse* was of opinion, that if guardians appointed by the parish refused or neglected to serve, they ought to be fined like grand jurors or other officers appointed to perform public duties. If, however, it turned out in any particular locality that there was not a sufficient number of resident guardians, or if any other state of circumstances arose to call for the interference of the Commissioners, he did not think, that there could be any objection to the power given to the Commissioners to appoint paid officers.

Mr. *Litton* thought, that the imposing of a fine upon persons for not performing a work of charity, would be rather a new mode of legislation. The measure, as it stood, in point of fact, imposed a fine in the most attenuated shape. If the resident guardians appointed by the rate payers refused to serve, and that paid officers were in consequence appointed by the Commissioners, the effect would be an increase in the amount of rates. That would prevent the continuance, or, at least, the repetition, of the refusal to serve, in which cases the Commissioners would probably revoke the appointment of paid officers, and allow the duties of the guardians to revert to the natural protectors of the poor. The clause, as it stood, appeared to him to be an extremely wholesome one, and guarded as much as possible against the occurrence of abuses. Supposing the workhouse to be built, and the guardians refused to act, would it not be monstrous to allow all the machinery of the Bill to remain idle, and the expense and trouble to be gone to in vain.

Lord *Castlereagh* did not object so much to the whole clause as to the words, " such and so many paid officers as the Commissioners shall think fit to appoint." These words would give the Commissioners the power of appointing an indefinite and unlimited number. The powers so conferred were much too extensive, and might afford a handle for abuse.

Mr. *Hume* thought it was somewhat inconsistent and fastidious to limit the power given to the Commissioners in this clause, after the extensive powers which were conferred upon them in other and antecedent clauses of the Bill. He did not think it likely that the Commissioners would be guilty of an abuse of the powers confided in them, the more particularly as public opinion would operate to prevent them doing so.

Lord *Clements* had an amendment to propose, which he thought would meet the views of the noble Lord opposite (Castlereagh). He proposed to leave out the words, "such and so many paid officers as the Commissioners shall think fit to appoint," and substitute for them the words, "the Commissioners may make order for the payment of such and so many of the guardians as they shall think fit." The consequence would be, that the persons to be paid by the Commissioners would be the guardians appointed by the rate-payers, and not independent officers of the Commissioners' own selection. He thought the House should look with great distrust upon an attempt to place unlimited power in the hands of those who were not immediately responsible for its exercise. If the Commissioners were persons well acquainted with the state of the country, the case would be different. The whole spirit of the Bill would be changed if the clause was allowed to remain in its present shape. If a system of the kind proposed worked well, it would alarm him more than any single thing that could occur. If the unions were as large as were proposed, it would be impossible for the guardians to attend, and therefore paid guardians would be at once appointed. He was astonished that the present Cabinet, above all others, should bring in such a clause. They were bound, he thought, to render this Bill palatable to those who would, with their very hearts, support them. He was in the habit of receiving letters day after day from various parts of Ireland, saying there would be no objection to the Bill if the people were allowed themselves to work it, but the present clause put an end to the possibility of their doing so. The noble Lord concluded by begging of his hon Friend, the Member for Limerick, to take the division on bringing up the report.

Lord *John Russell* said, that the line of argument pursued in opposition to this clause was as if the Commissioners would be anxious to make it impossible for the guardians to execute their duties, in order that paid officers of their own nomination might be appointed. Now he could not presume anything of the kind. The effect of the clause, as it stood, was, that where the guardians did not duly and effectively discharge the duties assigned to them by the Act, in such cases the Commissioners should appoint paid officers. This power, therefore, was a remedy only in cases of default on the part of the guardians, and where the Bill could not operate. It was, moreover, a remedy, the effect of which would be to induce the guardians to execute their duties properly. But what would be the effect of the amendment proposed by the noble Lord? Why, that in cases where the guardians did not perform their duties, they were to be induced to do so by the offer of a salary. Now, he was very much afraid that such an offer would be a motive to the guardians not to execute their duties gratuitously, but to neglect them, in order that they might obtain a salary. He thought, that the clause, as it stood, was preferable to the noble Lord's amendment.

Mr. *Lucas* said, the noble Lord had mistaken the gist of his noble Friend's argument. The noble Lord was not entitled, having avoided retracting what he said on former occasions as to the size of the unions, now to have the benefit of retractation. Now, in a union in England, containing 100 parishes, a farmer by acting might save to himself 25*s.*; but what could the Irish guardians save by acting? Only 3*d.*, one-half of which he would only have to pay.

Sir *F. Trench* thought, the Bill was a tissue of fraud, and held out expectations which would never be realised. If the Bill could be worked out at all, the effect of it would be a confiscation of property, without the slightest benefit to the poor. So determined was his opposition to the Bill, that upon the bringing up of the report, he would move, that it be received that day six months.

Lord *Clements* said, that the chief object of his amendment was to get an expression of the noble Lord's opinion as to the payment of guardians elected by the people, rather than have the Commissioners appoint paid officers of their own selection. As, however, the words he had used in his amendment might not be suited to the intended object, he would withdraw the amendment altogether.

Mr. *Lynch* was sure, that the clause would be very rarely called into action. The people of Ireland, he was satisfied, would do their duty with respect to this Bill, and it was only in default of guardians refusing to act that this power would be given to the Commissioners—a power which there was no doubt the Commissioners would not be likely to abuse.

Mr. *Lucas* said, he would now move an amendment, that in cases where an unpaid guardian could not be found to act in a district, the paid guardian appointed by the Commissioners should be paid out of the funds of the electoral district, and not out of the funds of the whole union.

Lord *John Russell* said, that in preceding clauses of the bill the persons appointed by the Commissioners were styled paid officers, and not guardians.

Mr. *Lefroy* thought the object his hon. Friend, the Member for Monaghan, had in view was a very desirable one. It was but just, that the electoral district in fault should be visited with the expense.

Lord *Castlereagh* wished to ask the right hon. and learned Gentleman, the Attorney-General for Ireland, if the board of guardians should refuse to act, what number of paid officers could be appointed by the Commissioners?

Mr. Sergeant *Woulfe* replied, that if the board of guardians were found inefficient, the Commissioners would have power to appoint paid officers to act instead. The judgment as to efficiency must be vested somewhere, and he did not see where it could be better placed than in the hands of the Commissioners.

Lord *Clements* said, that if difficulties should occur, as no doubt there would be, in getting the guardians, or a sufficient number of them, to attend, the exception of the appointment of paid officers would soon become the rule; and if the power of appointment of paid officers once got into the hands of the Commissioners, it would be almost impossible for the people to get it back again. It was on this ground that he wished to have paid guardians, and he was sure that the bill would never work well without them.

Lord *Castlereagh* said, if it was possible to make the bill more unpopular in Ireland than it was at present, this clause would make it so. The House had just heard what was the opinion of one of the warmest supporters of the Government upon the clause. He certainly never could be brought to vote for the bill after the expression of opinion against it which existed in the part of the country which he represented. Except the bill united the feelings of the Irish people, it would be in vain to suppose that it would work well through the assistance of paid guardians. He thought it desirable to omit the clause altogether.

Sir *R. Bateson* had listened with attention to the arguments on both sides, but had heard nothing to induce him to support the clause. He agreed with his noble Friend, the Member for the county Down, that the bill, in its present shape, was most objectionable—the bill, without the clause in question, was sufficiently so, but with it it was quite intolerable. He was opposed to the formation of large unions—the clause could only be necessary for large unions, and for that reason alone he should oppose it; but it was not on that ground solely he rested his objection to the clause—he opposed it on principle, as tending to increase the patronage of the Crown, by the creation of more commissioners, where too many existed already. He thought the clause would be productive of jobbing, and he should therefore oppose it.

Viscount *Morpeth* said, it was unfair to tax Government with a wish to create patronage. The hon. Member for Limerick wished to have three Commissioners, whereas the Government were satisfied with one. He said that the necessity of the case justified the clause and the powers intrusted to the Commissioners. Without the clause the bill would be inoperative. He, however, thought the success of the measure would chiefly depend on the spontaneous exertions of the inhabitants in the different districts. He denied, that the Government were pledged that the unions should be any particular size.

Sir *W. Somerville* said, his noble Friend had not convinced him of the necessity of the clause. He objected to such unlimited and despotic power being conferred on any commissioners. The clause as it stood gave them the power of appointing all over Ireland.

Mr. *D. Browne* said, it came to this, that if the bill would not work, it was to be forced upon the people. If so, he would prefer not having the bill at all.

Mr. *Barron* said, the bill would be ineffective without the clause.

Sir *C. Styles* would support the clause. The office of the paid guardians was not intended to be permanent, and the rate-payers could get rid of those officers if they were found to be inattentive to their duties.

Mr. *Archbold* said, that if the power were given to the Commissioners to employ paid guardians, all the other officers would require compensation for their labours; and in that case the expenses would be much heavier than the Irish gentry and farmers could afford. These appointments would be very much to the advantage of the Government. If this power were conferred no officers would act without payment. The bill altogether was most unpopular in Ireland. There was no man who had an acre of land who did not dread its provisions. He received letters every day from those who agreed with him in politics and with those who differed from him. There was one point, however, upon which they all agreed—namely, in opposition to this bill. He did not think it possible it ever could work, and he should therefore oppose it.

Mr. *W. S. O'Brien* thought her Majesty's Government were peculiarly sparing in their reasons for forcing this clause upon the people of Ireland. He maintained that where the Irish Members expressed a decided opinion upon a clause of the bill it was the duty of the Government to meet their wishes. On an amendment of his the other night, charging jointures, &c., he had twenty five Irish Members to eleven; and on the right hon. Member for the University's amendment there were three to one in favour of it; and yet upon neither did the Government give way. He for one could not be accused of being an opponent to poor-laws. For the last seven years, both by writing and speaking, he had been their advocate; but rather than this bill should pass, he would prefer one to this effect:—"Be it enacted, that the Poor-law Commissioners at Somerset House be authorised to tax all the property in Ireland." The power conferred by this clause was at variance with those principles of self-government contended for by the Government in the corporations and other institutions of the country. If the 25th Clause were allowed to remain in the bill, he could only say, that Ireland was not fit to have a poor-law at all. If Irish Gentlemen on the division should be content to allow the Commissioners of Somerset House to tax their property, the blame would lie with them and not with him.

Lord *John Russell* observed, that it was always very easy to select a particular clause, or a case which very seldom occurred, as the ground for condemning a whole bill. This was the course taken by the hon. Member for Limerick in the present instance, as he took this particular clause, attacked it for the powers which it proposed to confer, and said that this was the principle of the bill. He totally denied that the principle of the bill was such as the hon. Gentleman had represented. When the absence of self-government and local government was alluded to by the hon. Gentleman, he would remind him that the guardians under this act were to be elected by the different districts, and were to supply the poor with relief. Did the hon. Gentleman mean to say, that such a provision was opposed to local government? He was aware that this clause was not in the English bill; but he recollected that when that measure was under discussion it was argued that the most despotic powers were given to the Commissioners. And there were certainly some provisions introduced which would seem to justify that description. For instance, in the case of the guardians neglecting to act, it was made competent for those magistrates who were *ex officio* guardians, to assume the whole authority. Yet would it be just to say, that because such powers, in an extreme case, were given, magistrates appointed by the Government were to be intrusted with the execution of the provisions of the law? Now, that was the sort of argument used to prevent this clause from passing. This clause only provided for particular instances in which no boards of guardians were made. It was impossible not to see that such a case might occur. Now there would be relief given under these circumstances by the English bill, even when no magistrates attended, and it was not fair that a district should omit to bear the burthen of its own poor merely from the default, the resistance, or disobedience, of the guardians.

Mr. *Shaw* supported the clause, because he considered it absolutely necessary to the working of the bill. The bill certainly conferred great power on the Commissioners, but the great difficulty had been the doubt as to there being sufficient machinery in Ireland to do without this. In England the case was different; but there the power so given was limited in its duration. Although there were many objections to the principle, yet he considered the clause so necessary in a practical point of view, that he should certainly support it.

Mr. Lucas withdrew his amendment, and the Committee divided on the original motion: Ayes 35; Noes 33: Majority 2.

List of the AYES.

Baring, F. Thornhill
Barron, H. Winston
Beamish, Francis B.
Berkeley, hon. H.
Brotherton, Joseph
Chalmers, Patrick
Conolly, Edward
Curry, William
Fergusson, rt. hon. C.
Grattan, James
Hobhouse, rt. hon. Sir J.
Hoskins, Kedgwin
Howard, Philip H.
Howard, Ralph
Howick, Viscount
Hume, Joseph
Lefroy, rt. hon. T.
Lynch, Andrew H.
Marsland, Henry
Morpeth, Viscount
O'Brien, Cornelius
O'Callaghan, hon. C.
Parnell, rt. hon. Sir H.
Roche, Edmond B.
Russell, Lord John
Salwey, Colonel
Shaw, rt. hon. Fred.
Stuart, Villiers
Style, Sir Charles
Vigors, N. Aylward
White, Luke
Winnington, T. E.
Wood, George W.
Woulfe, Mr. Serg.
Yates, John A.

TELLERS.

Lord Advocate, the
Wood, C.

List of the NOES.

Acheson, Viscount
Archbold, Robert
Blake, Martin J.
Bodkin, J. James
Brabazon, Sir W.
Browne, R. Dillon
Bryan, George
Butler, hon. Colonel
Castlereagh, Viscount
Chester, Henry
Clements, Viscount
Cole, Viscount
Dunbar, George
Evans, George
Ferguson, Sir R. A.
Filmer, Sir Edmund
Hillsborough, Earl of
Hodgson, Richard
Hughes, W. Bulkeley
Jones, Theobald
Kirk, Peter
Litton, Edward
Mackenzie, W. F.
Maxwell, Henry
Moneypenny, T. G.
O'Neill, hon. J. B. R.
Packe, C. William
Perceval, Colonel
Plumptre, John P.
Somerville, Sir W. M.
Trench, Sir Frederick
Wyse, Thomas
Young, John

TELLERS.

Bateson, Sir R.
O'Brien, W. S.

On Clause 72, this proviso was proposed, "That every rate made under the authority of this Act, on tithe and compositions, or rent in lieu of tithe, shall be paid by the tithe-owner."

Mr. *Shaw* objected to this clause, and to the new clause which the noble Lord (Lord John Russell) had printed with reference to tithe-owners. He thought he had convinced the noble Lord the other night, that it would be much simpler and fairer to estimate the annual value of the lands without deducting the tithe, and to let the occupier pay the rate in the first instance, and then stop the tithe-owner's proportion as in the case of the landlord, where the occupier was liable to the tithe, and to let the occupier stop the half of the entire rate from the landlord, and then the landlord stop the tithe-owner's share from the tithe-owner, where the landlord was liable to the tithe. This could be done by omitting the proviso from the 60th Clause, which would leave the land and the occupier liable for the whole rate, in the first instance—and then, by adding a few words to the 69th and 70th Clauses, which adjusted the proportions of rate, the former as between occupier and landlords—the latter as between the different landlords receiving rent out of the same land, the proportions between the occupier and tithe-owner, or landlord and tithe-owner, as the case might be, would be as easily settled—while, on the other hand, the plan of the noble Lord would involve much difficulty, intricacy and injustice; first, by deducting the tithe in the valuation under the 60th Clause, and rating it separately, you kept alive the distinction between rent and tithe, which it had been the policy of recent legislation to merge; secondly, by the proposed new clause for the recovery of rate on tithe; the noble Lord, pressed by the difficulty of finding a remedy except through the occupier, proposed, that after two months, if the rate was not paid by the tithe-owner, then the guardians might applot the occupiers as if they had been primarily liable, which was but a roundabout process of arriving at what he proposed in the first instance. And thirdly the noble Lord did not provide against the injustice which he admitted would be inflicted upon the tithe-owner in taxing him for tithe he might not receive by the second part of the proposed new clause; for, though it gave the tithe-owner, by a very cumbrous machinery, the right to make a declaration in writing that he had not received his tithe, and then sent the guardians to applot upon the tithe-payer, yet that was only in case the tithe-owner had not received in the whole tithe sufficient to pay the rate, so that though but one parishioner might have paid his tithe, and all the rest be in arrear, yet that one sum must be paid over as poor-rate by the clergyman on the entire of his benefice. There really could be no comparison between the two plans in point of simplicity, convenience and justice; and if the Government did not adopt his (Mr. Shaw's) proposition, he should move it as an amendment.

Lord *John Russell* would adopt the proposition of the right hon. Gentleman (Mr. Shaw), charging, however, the tithe-owner, according to the principle of the bill, with the whole poor-rate, by way of deduction. He admitted it was more simple to charge the occupier in the first instance, and then the tithe-owner would not be taxed till he was paid. He (Lord J. Russell) therefore, would withdraw the clauses for the present, and amend them according to the plan of the right hon. Gentleman (Mr. Shaw).

The clauses were postponed.

Lord *Castlereagh* then said, he had a clause to propose between Clauses 48 and 49 He was unwilling to take up the time of the House—but this was a subject on which deep interest was felt, particularly in that part of Ireland which he had the honour to represent. Petitions had been sent up from all parts of Ireland as to this bill, and from the reports on public petitions, it appeared that the number of petitions against the bill was *55*; in favour of it *3*; while the number of signatures against the bill was 27,259; in favour of it 252, and several petitions of those which he had presented were signed by the churchwardens on behalf of public meetings. He had presented a petition that day from the county of Down, against the bill. It was in deference to the wishes of these petitioners, that he begged now to move a clause empowering the Commissioners to exempt from the operation of the Act such parishes as were willing to take upon themselves the care of their own poor—which had hitherto been the case in many parishes in the north of Ireland, and with great success, for the number of the poor had been diminished, and the country greatly benefitted by this system. The people of Ireland, therefore, prayed that they might not be forced to abandon a system which had been found to work well, and to adopt one which they could not but regard as an experiment.

The clause brought up, and read a first time. On the motion that it be read a second time,

Lord *J. Russell* said, he should oppose the second reading of the clause, as it would render the bill entirely nugatory—it would be leaving it to the option of the people of Ireland whether they would accept the bill or not.

Mr. *W. Roche* remarked, the clause contained no machinery by which the parishes were to manage themselves for the purpose of carrying it out.

Mr. *Shaw* agreed with his noble Friend (Lord Castlereagh) that it was a very serious question, whether a poor-law should be introduced into Ireland at all. But, if it was once introduced, he thought that excepting any particular district from the operation of the bill, but giving that district the power to tax itself, and then administer relief to the poor, according to such plan as the rate payers of that particular locality might adopt, would be full of danger, and, giving the managers every credit for the best notions, might induce all the abuses and intricacies of the old English system of out-door relief, labour rates, settlement, &c. Now he felt that the measure was a great and painful experiment, but if it was to be tried in Ireland, at all events, let them have the benefit of one uniform and simple plan, with the checks it afforded, the best of which he considered was the exclusion of out-door relief.

Sir *R. Bateson* observed, that the noble Lord opposite (Lord J. Russell) would find in his right hon. Friend (Mr. Shaw) a most able ally in the progress of this Bill, and his right hon. Friend had better go over, perhaps, to the other side. He would support the clause, because it operated against the workhouse system, to which he was diametrically opposed. All that the parishes who were willing to adopt the clause asked was, that all the inhabitants should be compelled to pay their quota of the rate. The people of Ireland had been taken by surprise by this frightful measure, and were against it.

The Committee divided on the question that the clause be read a second time:—Ayes 25; Noes 66: Majority 41.

List of the AYES.

Browne, Robt. Dillon
Cole, Viscount
Conolly, Edward
Douglas, Sir Chas. E.
Dunbar, George
Filmer, Sir Edmund
Forbes, William
Hillsborough, Earl of
Hodgson, Richard
Jones, Theobald
Kirk, Peter
Lefroy, right hon. T.
Liddell, hon. Henry T.
Mackenzie, Wm. F.
Maxwell, Henry
Monypenny, Thos. G.
O'Connell, Morgan
O'Neill, hon. J. B. R.
Packe, Chas. William
Perceval, Colonel
Somerville, Sir W. M.

TELLERS.

Bateson, Sir R.
Castlereagh, Viscount

List of the NOES.

Archbold, Robert
Baring, F. Thornhill
Beamish, Francis B.
Berkeley, hon. H.
Blake, Martin J.
Bodkin, John James
Brocklehurst, John
Brotherton, Joseph
Bryan, George
Campbell, Walt. Fred.
Chalmers, Patrick
Clements, Viscount
Curry, William
Damer, hon. Dawson
Ferguson, Sir Rob. A.
Fergusson, rt. hn. R. C.
Fitzsimon, Nicholas
French, Fitzstephen
Gladstone, W. E.
Grattan, James
Hawes, Benjamin
Hobhouse, rt. hn. Sir J.
Hope, George W.
Howard, Frederick J.
Howard, Philip Henry
Howard, Ralph
Howick, Viscount
Hughes, W. Bulkeley
Ingham, Robert
James, William
Kinnaird, hon. A. F.
Knight, Henry Gally
Lennox, Lord Arthur
Litton, Edward
Lynch, Andrew H.
Macleod, Roderick
Morpeth, Viscount
Nicholl, John
O'Brien, Cornelius
O'Brien, W. Smith
O'Callaghan, hon. C.
Plumptre, John P.
Power, James
Protheroe, Edward
Roche, Edmond B.
Roche, David
Russell, Lord John
Salwey, Colonel
Shaw, rt. hon. Fred.
Sinclair, Sir George
Stanley, Edw. John
Stuart, Villiers
Style, Sir Charles
Thomson, rt. hn. C. P.
Tollemache, Fred. J.
Vigors, Nicholas A.
Wallace, Robert
Westenra, hon. H. R.
Williams, William
Winnington, T. E.
Wood, Charles
Wood, George W.
Woulfe, Mr. Serjeant
Wyse, Thomas
Yates, John A.
Young, John

TELLERS.

Gordon, R.
Seymour, Lord

Mr. O'Brien withdrew the clause.

Mr. *Lucas* then moved a clause, similar to the 26th clause in the English new Poor-law Bill. By that clause all the parishes of the union were liable to the charges for the maintenance of the workhouse, the pay of the staff, and the general expense of the union; but each of the parishes composing that union still continued liable to support its own poor. His proposition was, that a similar clause should be adopted with respect to Ireland, and that each of the parishes of the union should be separately rated for, and be liable to the maintenance of its own poor, although it should, at the same time, be liable to bear a proportionate part of the general expenses of the union in other respects.

Clause read a first time. On the motion that it be read a second time,

Mr. *Shaw* thought his hon. Friend (Mr. Lucas) would find it impossible to define who were the poor of any particular district. They could only be actually found at the workhouse where they applied for relief; and any attempt to discover and charge the district from whence they came, would be adopting the principle the House had already decided against of a law of settlement. In Ireland, above all places, it would be difficult to discover from whence a pauper came; particularly if he knew that his own district was to be charged, he would consider it a point of honour not to tell the truth.

Viscount *Morpeth* said, that the power of the Commissioners had already, he feared, been so cramped by the amendments in the Bill made in Committee, that he doubted whether the proposed clause could, under any circumstances, be carried into operation. The hon. Gentleman had said, that the clause he had moved was exactly similar to a clause in the English Poor-law Amendment Act; but there were two circumstances which the House ought to consider before coming to the conclusion that a clause which was applicable to England would be equally applicable to Ireland. The first of those circumstances was, that in England there had existed "a separate system" previous to the passing of the Poor-law Bill. And the second was, that in this country the law of settlement had also previously existed. It was, therefore, easy to carry the provisions of a clause similar to that which the hon. Gentleman had proposed into operation in England; but the circumstances of Ireland were so different, that he feared such a clause would be productive of injury rather than good, and he should therefere feel it to be his duty to oppose it.

The Committee divided:—Ayes 25; Noes 53: Majority 28.

List of the AYES.

Acland, Thos. Dyke
Bateson, Sir Robert
Castlereagh, Viscount
Cole, Viscount
Damer, hon. Dawson
Douglas, Sir Chas. E.
Ferguson, Sir Robt. A.
Filmer, Sir Edmund
Gladstone, W. E.
Grimston, Viscount
Hillsborough, Earl of
Inglis, Sir R. H.
Kirk, Peter
Lefroy, rt. hon. T.
Litton, Edward
Mackenzie, Wm. F.
Maxwell, Henry
Monypenny, Thos. G.
Nicholl, John
O'Neill, hon. J. B. R.
Perceval, Colonel
Plumptre, John P.
Roche, David
Sinclair, Sir George
Vigors, Nicholas A.

TELLERS.

Conolly, Colonel
Lucas, E.

List of the NOES.

Archbold, Robert
Baines, Edward
Baring, F. Thornhill
Barneby, John
Beamish, Francis B.
Blake, Martin J.
Bodkin, John James
Brocklehurst, John
Brotherton, Joseph
Bryan, George
Callaghan, Daniel
Campbell, Walt. Fred.
Clements, Viscount
Courtenay, Philip
Craig, William G.
Curry, William
Divett, Edward
Forbes, William
French, Fitzstephen
Gordon, Robert
Hawes, Benjamin
Hobhouse, rt.hn. Sir J.
Howard, Frederick J.
Howard, Philip Henry
Howard, Ralph
Howick, Viscount
Hughes, W. Bulkeley
Kinnaird, hon. A. F.
Knight, Henry Gally
Lennox, Arthur
Lynch, Andrew H.
Macleod, Roderick
Morpeth, Viscount
O'Brien, Cornelius
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, Morgan
Protheroe, Edward
Redington, Thos. N.
Rolfe, Sir Rt. Monsey
Russell, Lord John
Salwey, Colonel
Shaw, rt. hon. Fred.
Somerville, Sir W. M.
Stanley, Edw. John
Stuart, Villiers
Thomson, rt. hn. C. P.
Thornely, T.
Tollemache, Fred. J.
Wallace, Robert
Wood, George W.
Yates, John A.
Young, John

TELLERS.

Seymour, Lord
Wood, C.

The House resumed. The report to be received.

DUTIES ON GLASS.] The Order of the Day for the second reading of the Glass Duties Bill having been moved,

Mr. *French* said, when this Bill was introduced, the Chancellor of the Exchequer declared that any attempt to get rid of these duties would be absurd. He, on the contrary, believed their doom was sealed, and that if not at present, within a very short period, the right hon. Gentleman must reduce his expenditure, or look out for a substitute for them. As in the reign of William 3d the Treasury was compelled to give up the duties on glass, as being destructive to its manufacture in this country, so, for the same reason, a similar fate must await the present duties —duties imposed as a war-tax in the reign of George 2nd, and continued with fatal impolicy down to the present day. The attention of the public once drawn to this question, it would never be endured that a necessary of life, of the importance which belongs to glass in a climate like ours, should be considered and taxed as an article of luxury; that a manufacture amounting in annual value to 2,000,000*l.* sterling, employing upwards of 50,000 workmen, and which would in a short time treble itself if it was allowed fair play, should be hampered by regulations declared by the Commissioners of Excise Inquiry in their 13th report to be harassing, vexatious, and oppressive, and described as a tax upon industry, and a bar to invention and improvement. These Commissioners —gentlemen whose laborious research and sound judgment are universally admitted —have recorded their conviction, that by those duties and regulations, not only is the consumption of glass materially checked, but that the employment of labour and capital is restricted, and the accumulation of national wealth seriously retarded; that under these regulations an illicit trade is carried on to a great extent, which in many instances has driven the fair trader out of the market, and forced him to abandon his business altogether. In the evidence taken before those gentlemen, it was fully established by Mr. Bower and other practical men, that great improvements would probably have taken place in the manufacture of glass, but for the operation of the Excise-laws, which prevent the free progress of invention and improvement, not only as regards the article itself, but in the different arts and sciences to which it is subsidiary: it appeared that under these laws our foreign trade had gradually fallen off, and that if they were continued, our colonial trade must inevitably be taken from us, as it is already materially injured by the importation of German and other continental glass: it appeared by this evidence also, that the manufacture of glass beads and other ornaments, which was at one time extensively carried on in this country had latterly been entirely abandoned. We find the Commissioners stating, after the most searching inquiries, that they "have no hesitation in affirming these duties to be highly prejudicial to our foreign trade"—a conclusion, the correctness of which he (Mr.

French) contended could not be disputed, as by those high duties the manufacture of glass for telescopes had been transferred to foreign countries, and by the laws as they now stood, the fabrication of one valuable description of this article, the stained window glass, for which this country was formerly so celebrated, was actually prohibited. The materials of which glass is made were abundant in this country; skill, capital, and intelligence, had been largely expended in its manufacture, but still it had not prospered, because of the vexatious duties imposed upon it. Other countries may have cheaper labour, whilst this country boasts of far greater skill and enterprise, notwithstanding which our manufacturers were now undersold in our own colonies by other nations. Nay, even into England itself, one description of glass, such as decanters, tumblers, and wine-glasses, could be imported from Germany cheaper than they could be manufactured here. By referring to the reports on the separate classes into which this manufacture is divided, the House would find, that half the amount levied as duty on bottle glass was returned as drawback, which fact would alone be sufficient to call for its repeal. Mr. Cookson, of Newcastle, an extensive manufacturer, examined by the Committee, stated, that the materials of which bottle-glass was composed, were various; that manufacturers of crown-glass have a refuse which is too impure for them to use, but which had been used by bottle manufacturers, and the use of it had improved the colour of the common bottle-glass, inasmuch as it was employed particularly for chemical purposes, and in making large vessels for oil of vitriol and carboys, and the finer the material the tougher will be the glass; but this refuse is considered by the Excise an improper thing to be used in common bottle metal; it is consequently prohibited, and must be thrown away, although a highly useful article. The House would scarcely believe that the only ground suggested for this strange prohibition was, that the use of this material would make the goods so fine as to bring them into competition with flint glass. This article called crown cullet, is utterly useless for making crown glass, though a cheaper and better material for its purpose than any now used in the manufacture of bottle-glass. On this subject the Commissioners very justly remark, that "it would be hardly possible to imagine an instance in which the injurious operation of Excise regulations could be placed in a stronger light; we see hundreds of tons of an article which is known to be the cheapest, and at the same time the best which could be used in one of our most extensive and most useful domestic manufactures, lying uselessly at the very doors of our manufacturers, who are prevented from employing it solely by their dread of the construction which might be put on a doubtful clause of an Excise statute." The effect of the augmentation of duty on crown glass was to diminish the consumption on the average of three years from 114,725cwt. to 95,451cwt. It might be well to mention, as an instance of the useless and harassing regulations to which the manufacturer of glass was subjected, the manner in which the convenience of the manufacturer was interfered with, without any corresponding advantage to the revenue. There are thirty-two clauses of regulations, penalties, and prohibitions, which are as expensive to the public as they are vexatious to the manufacturer; a costly staff must be kept up for surveys, which are to be taken every four hours; no month ever passed over the head of the manufacturer in which he did not subject himself, in one way or another, to penalties; he was, in fact, at the mercy of the Excise, who could ruin him if they pleased. But, to return to the report on crown glass; the House would there find, that in consequence of the repeated frauds practised within the last few years, the trade had become wholly unproductive to the honest manufacturer. Mr. Cuthbert states in his evidence, that the regulations would occasion very strong grievances if carried into effect, which was not done because it was not practicable. The charge on the exportation of this glass was from 200 to 250 per cent. more than it ought to be; duty was charged upon duty, the duty per centage being taken upon the price of the glass, duty included, instead of on the amount, as in fairness it ought to be, of the value after deducting the drawback. The whole quantity exported now did not bear the proportion of a twentieth to that exported to the Baltic twenty years ago. For proof of the little regard paid to the convenience of the manufacturers, he should refer to the evidence of Mr. Chance, who stated, that the notices he was required to give were so numerous, that he was obliged to have them printed by thousands: he was giving notices all day long, but still every now and then he was summoned before a magistrate for some omission. He was certain that the House would agree with the Commissioners that the expense and inconvenience arising from this course must be heavily felt in the generality of establishments. In the report on plate glass, the House would find, that the duty prevented a successful competition in small plates with foreign countries, and had an effect scarcely less injurious upon the home market, by preventing the use of a superior description of article. It would be found, that the continuance of the duty on flint glass was productive of public injury far beyond what could be compensated by the small amount secured by them to the revenue; that in the cost of collection each flint-glass-house cost the revenue no less than 300*l.* a-year for officers alone: that the duty was continually evaded, and the market supplied with articles at a price which, if the duty were paid, would be disposing of them at a loss. Articles were in the market at 3*s.* or 4*s.* which, if the duty had been paid, could not be sold for less than 6*s.* Many small orders were refused on account of the expense of the bond (10*s.* 6*d.*) The abolition of the duty would lead to a great extension of the trade: many articles would then be made of glass which now are not. The alteration in 1825 almost annihilated the exportation of flint glass. Was this, he would ask, a tax which ought, under all the circumstances, to be maintained? Mr. M'Culloch states in his *Commercial Dictionary,* that the only difficulty he labours under, is to decide whether the regulations under which the duties are levied, or the duties themselves, are the most oppressive; that the wealth and population of these countries have more than doubled since the year 1790; and that he is convinced that the manufacture of glass, had it been left to itself, would have increased in a still greater ratio; but so far was this manufacture from advancing, that it had positively declined, and was actually less at this moment than it was forty years ago. This extraordinary result was entirely to be ascribed to the exorbitant excess to which the duties had been carried. One third of the amount levied was returned in drawback, and the expense of collection bore no fair proportion to the sum levied. The right hon. Gentleman, the President of the Board of Trade, in a statement made by him a few years ago, proved that, for the sake of about 500,000*l.*, the net proceeds of this tax, nearly a million of mony was levied; and he found by a return recently laid before the House, that out of 966,136*l.*, the grost amount of the duty, 322,789*l.* was returned in drawback. How, in the face of a statement like that, with the recorded opinion of an influential Member of the Cabinet and the report of the Commissioners of Excise Inquiry so strongly opposed to him, his right hon. Friend could persevere in maintaining this tax, he was utterly unable to imagine. The treatment which Ireland had received in this matter of the glass duties was still more iniquitous. In Ireland, previous to the year 1825, flint glass paid no duty, and bottle glass paid by tale of 2*s.* 6*d.* per gross until the year 1828, when Mr. Goulbourn, on pretence of the frauds practised by the English and Scotch manufacturers, under the drawback, thought proper to equalise, as he was pleased to call it, the duties in both countries, the result of which operation was to double the price of glass in Ireland. The process was this: he increased the duty on Irish glass from 1*s.* 3*d.* per cwt. to 7*s.*, and decreased the duty on English from 8*s.* 2*d.* to 7*s.* The injustice thus practised towards Irelend was manifest and most striking. Coals were delivered to the bottle manufacturers of Scotland at 7*s.* 6*d.* per ton, and to those of Newcastle at 4*s.* per ton, whilst in Dublin they average from 15*s.* to 16*s.*, besides the expense of carriage from the vessels. The consequence might be imagined; while England and Scotland have from thirty to forty bottle-houses, the number in Ireland was reduced to three; and although the entire duty collected in Ireland is so trifling, yet it was necessary that five officers of Excise should be in daily attendance at each of the bottle-houses. But he did not complain of the effect on the manufacturer alone; the consumer was taxed at the rate of 200 per cent. higher than he ought to be. An article of indispensable necessity was placed beyond the reach of those whose welfare and comfort it ought to be the study of the Government to consult. The interests of Ireland, and the health of the inhabitants should not be put in competition with a few thousand pounds; and it was clear that pestilence could not be eradicated, nor habits of cleanliness introduced among the people, so long as this tax was continued. At the present price of glass, it was vain to expect its general introduction into the cottages of the lower orders, and so long as light and ventilation were excluded, periodical fever and unchanged habits of sloth and wretchedness must be looked for as the inevitable consequences. The continuance of this tax would give the last blow to one of the few struggling manufactures of Ireland; the equalisation of the duty had already diminished the quantity manufactured more than one half—from 23,000*l.*, which the duty amounted to in 1829, the year of the equalization, to about 10,000*l.*, its present amount. Could any person, under these circumstances, advocate the continuance of this impost, destructive, as it was proved to be, of our foreign, and injurious to our home trade—unjust in its principle—vexatious in the details of its operation—and pernicious in its effects upon the health of the people? If his right hon. Friend should not consent to the abolition of these duties, he was bound at least to show how they might be accompanied by such a modification of the Excise-laws as would mitigate the evils complained of. Let him remember that the Commissioners of Excise Inquiry, appointed by his own Government, have called for the total abolition of these duties, as the only means by which this branch of our commerce may be restored to its former prosperous condition; they declare that they do not know of any tax which combines a greater variety of objections, or is more utterly opposed to all sound principles of taxation; and they have not hesitated to state as their decided opinion that these duties, whether viewed with regard to their influence on our native manufactures and foreign commerce, or the amount of revenue derived from them, merit, as they receive from the Commissioners, the most unreserved condemnation.

Mr. *Francis Baring* observed, that the speech of the hon. Member was more applicable for a motion, of which the hon. Gentleman had given notice, for a repeal on the duty on glass, than for the second reading of a bill the object of which was to consolidate the laws on the subject of the glass duties. He admitted that, if they kept up the duty, it was advisable to take care that the regulations that were imposed to prevent frauds on the revenue in the collection of the duty should be made as little as possible vexatious to the trader, and this was one of the objects of the bill before the House. The Treasury had already, on their own authority, carried into effect many of the recommendations of the Commissioners of Excise Inquiry for the removal of restrictions on the glass manufacture; and the present bill contained more of their recommendations, and those which could not be adopted without the sanction of the Legislature: for instance, the change that was proposed in the bill respecting the exportation of glass, and the drawbacks, and the getting rid of the vexatious regulations that had been so much complained of. He believed that he might assert, that, when the present bill passed, there were only one or two of the recommendations of the Commissioners which had not been adopted. He thought that it would be admitted by all that it was desirable that all the laws relating to this subject should be brought together and consolidated into one clear and intelligible enactment. The bill was drawn up last year, and was submitted to the trade, and such alterations had been made in it to suit their convenience as could be done consistently with a regard to the security of the revenue. It should also be recollected, that the inquiry of the Commissioners took place when there was a much higher rate of duty than there was at present. He was happy to say, that the reduction that had been made in the duty had operated most beneficially, and had almost entirely put a stop to the smuggling and illicit manufacture, which obtained to such an extent as to be highly injurious to the fair and honest trader. With respect to what was stated by the hon. Member as to the glass manufacturers being prevented using the broken materials or refuse of the crown glass in the manufacture of another article, it had been a doubtful matter whether they could not be so made up, but this had been set at rest by direction of the Treasury. The objection, therefore, of the hon. Gentleman was, in fact, one which no longer existed. It certainly was a very unwise and unfair prohibition to prevent the refuse of the manufacture of one description of glass being used in the production of a coarser commodity, but this and a great number of other vexatious regulations which were formerly complained of, it was the anxious wish of the Government to remove. The simple principles they wished to act upon were, that the regulations for the security of the revenue should be as little as possible vexatious to the manufacturer, that as much as possible of the duty paid should be received by the Treasury, and that all should pay alike. He proposed to give ample time for the consideration of the details of the bill, as he should not propose that it be committed until after Easter. He, however, intended that it should be committed *pro forma* at an early day, that some amendments should be introduced into it.

Bill read a second time.

First Fruits and Tenths.] On the motion of Mr. Gally Knight, this Bill was read a third time: on the question that it pass,

Mr. *Baines* said, that before the Bill was passed he had a clause to propose, which he had before brought under the consideration of the House, and which he had now so modified that he hoped it would be found unobjectionable. At this late hour, now after midnight, he should not enter at any length into the reasons for proposing this addition to the Bill, but should content himself with stating generally, that originally the governorship of Queen Anne's bounty was principally lay, but that it had now become entirely clerical—in reality, the Bishops were the only existing governors—and all the other governors were, by the course that was pursued, in effect excluded from the management of the funds. The Bishops alone had notice of the time and place of holding the meetings or Courts of Directors; no other persons, though there were 400 or 500 other governors, were invited to attend, and of course no others did attend: for of upwards of 100 Courts of Governors held during the last ten years, it appeared from a return which he had moved for in this House, and which was now upon the table, that not a single layman had been present at one, and that for the reason he had stated, because they were not informed in any way whatever either of the time or place of holding the meetings, while there was previously to any such court or meeting a circular sent by the treasurer of the bounty fund to all the bishops, but to none other of the governors. He (Mr. Baines) thought it desirable, on many accounts, which were too obvious to require particular explanation, that the mixed character of the governorship should be restored, and as Queen Anne in her original charter had provided that there should at least be two laymen present at every court, a privy councillor and a judge or Queen's counsel, —the effect of the clause which he now offered to the House was—first, to insist that the holding of the courts should be advertised in the *London Gazette*, and, secondly, to provide that the proceedings of no court should be held valid, unless, at least, two laymen out of a quorum of seven governors were present.

Clause brought up. On the motion that it be read a second time,

Mr. *Goulburn* opposed it on the ground that it was interfering with the power of the Crown, as it had in its original charter reserved to itself the power of making alterations in the constitution of the board. No doubt at the original constitution of the board, certain laymen had been appointed on it, but it was found impossible to make these persons attend; therefore an alteration was made. At any rate, it was impossible that the House could proceed with the present clause unless the consent of the Crown had been previously notified.

The *Solicitor-General* said, that he should not like the clause to be opposed on the ground that had been stated by the right hon. Gentleman, the want of the previous consent of the Crown, but he felt that there was an insuperable objection to the very principle of it. The clause proposed to make it necessary that one of the judges, or one of the Queen's counsel, should be present to constitute a board. Now, it was a general subject of complaint, that the judges had already so much to do, and it would be impossible to enforce the attendance of Queen's counsel. Unless they had some persons belonging to this class habitually to attend, the clause would only do harm, and there would be the semblance of security which only existed in name. The attendance of the class proposed by the hon. Gentleman never could be assured without some inducement.

Mr. *Baines* said, that the right hon. Gentlemen who had urged their objection of the want of consent of the Crown as a bar to his motion, had forgotten one very material consideration, and that was, that if it was an impediment to the introduction of the clause which he (Mr. Baines) proposed for restoring the board to its original constitution, it was an objection to the whole Bill now before the House, every part of which as much required the assent of the Crown as the clause he had the honour to propose; and he begged to ask his hon. Friend, the Member for Nottinghamshire, whether he had the consent of the Crown for the introduction of all the other clauses that related to the altered constitution of the Board? If not, and if the doctrine held by the right hon. Gentleman, the Member for the University of Cambridge, was to be insisted upon, the Bill must be withdrawn till the consent of the Crown was obtained for its numerous provisions. No answer being returned to this appeal, and the objection being thus removed, Mr. Baines proceeded to say, that as to the objection made by his hon. and learned Friend, the Solicitor General, it did not appear of much force. The number of Privy Councillors was very considerable, and so was the number of Queen's Counsel, and surely one of each of these, if the Judges could not attend, might be expected to be present at proceedings in conducting the business of a Board, which involved the interests of 10,000 poor clergymen; and so strongly was his mind impressed with the necessity of the presence of laymen at all such Boards, that he should feel it to be his duty to divide the House upon it. His objection to the Boards of Governors, as they had been held for a long period past, was not an objection of form, but of substance; for it might happen that questions would arise at those Boards—indeed, they were now almost sure to arise—whether the Board, as trustees for the poor clergy, and as guardians of their interest, ought not to apply to Parliament to have the first fruits and tenths paid upon their improved value at the present day, rather than upon their value in the time of King Henry 8th. And as the Bishops, who now solely managed the funds, had a clear and distinct interest in keeping the payment down according to the ancient valuation, by which they were required to pay not one-tenth part of what was fairly due to the poor clergy, it was proper that lay governors, who had no such interests, should be present to protect the rights of the poor clergy, by aiding any effort that might be made, in or out of Parliament, on behalf of the persons who were to derive benefit from this fund, and from its due augmentation.

The House divided:—Ayes 9; Noes 37: Majority 28.

List of the AYES.

Beamish, F. B.
Brocklehurst, J.
Brotherton, J.
Hawes, B.
Macleod, R.
O'Connell, M. J.
Salwey, Colonel
Thornley, Thomas
Wallace, R.

TELLERS.

Baines, E.
Kinnaird, hon. A.

List of the NOES.

Acland, T. D.
Baring, F. T.
Bateson, Sir R.
Campbell, W. F.
Canning, Sir S,
Chalmers, P.
Clements, Viscount
Cole, Viscount
Craig, W. Gibson
Divett, Edward
Douglas, Sir C.
Duke, Sir James
Forbes, W.
Gladstone, W.
Goulburn, H.
Hillsborough, Earl
Howard, P. H.
Hughes, W. B.
Ingham, Robert
Knight, Henry Gally
Lefroy, right hon. T.
Lennox, Lord A.
Litton, Edward
Mackenzie, W. F.
Nicholl, J.
Perceval, Colonel
Plumptre, J. P.
Protheroe, Edward
Reddington, T. N.
Roche, D.
Rolfe, Sir R. M.
Seymour, Lord
Shaw, Frederick
Sibthorp, Colonel
Sinclair, Sir George
Stanley, E. J.
Tollemache, F. J,

TELLERS.

Barneby, John
Inglis, Sir R. H.

Bill passed.

HOUSE OF LORDS,

Monday, March 26, 1838.

MINUTES.] Petitions presented. By the Earl of DURHAM, from Congregations of Dissenters in the city of Durham, by the Bishop of HEREFORD, from Hereford, and several Congregations of Dissenters in his Diocese, by the Bishop of CHESTER, from Chester and other places, by the Earl of SHAFTESBURY, from the Protestant Dissenters of Dorchester, by the Earl of CARLISLE, from Morpeth, by the Earl of RADNOR, from Devizes, by the Duke of CLEVELAND, from Stockton-upon-Tees, West Bromwich, and other places, by Lord FOLEY, from two parishes in Warwickshire, by the Marquess of SLIGO, from some Congregations of Dissenters at Oldham, from Saddleworth, from Abbey-street Chapel (Dublin), from Ashton-under-Lyne, from Bradford, from several Congregations of Dissenters at Leeds, from Droitwich, from Barnsley, and from several other places, by Lord BROUGHAM, from Congregations of Dissenters at Stockport, from upwards of 5,000 inhabitants of Stockport, from Baptist Ministers of London, from upwards of 300 Sunday-school Teachers at Stockport, from Stamford, from Winslow, from Bath, from Thirsk, from Colchester, from Coventry, from Dundalk, from Knaresborough, from Bridgnorth, and from several other places, in all ninety-four petitions, by the Bishop of LONDON, from Putney, from Huntingdon, and from Walworth, by the Marquess of LANSDOWNE, from Westbury, and from Devizes, by the Archbishop of CANTERBURY, from Rotherham, and by Lord HOLLAND, from the Congregations of Dissenters at Preston, for the abolition of Negro Apprenticeship.—By the Earl of DURHAM, from Glasgow, by the Earl of ROSEBERY, from Stirling, from Dunfermline, and from Culross, by Lord BROUGHAM, from Edinburgh, and from a Public Meeting of the Friends of Civil and Religious Liberty at the City of London Tavern, from Galashiels, from Irvine, and from Saltcoats, against further Endowments to the Church of Scotland.—By the Earl of DURHAM, from Newbottle (Durham), and Moreton (Gloucestershire), in favour of the Ballot; and from Glasgow, in favour of a repeal of the Corn-laws.—By the Bishop of CHESTER, from four Members of the Chapter of the Cathedral Church at Chester, to be heard by Council at the Bar of the House against alterations in the Chapter of that Cathedral.—By the Earl of ABERDEEN, from the Synod of Aberdeen, for means to provide additional Accommodation in the Church of Scotland.—By the Marquess of LANSDOWNE, from some place in the county of Cork, in favour of the abolition of Tithes.

IDOLATRY IN HINDOSTAN.] The Archbishop of *Canterbury* stated, that he had a petition to present of great importance. It was a petition of a peculiar character, not on account of its subject, for on that he believed there was hardly two opinions in the country, nor from its numbers for it was only signed by between forty and fifty persons, but important from the character of the petitioners, It came from the ministers of all denominations in the town of Birmingham, who, however they might differ in other respects, were united on the subject of the petition. It was signed by twenty-three clergymen of the Church of England, and by the same number of Dissenting ministers of all denominations. He said, that the subject was most important, and he was sure that their Lordships would concur with him when he read the prayer of the petition. The petitioners expressed their feeling that the interference of the East India Company's servants in aid of the superstitions prevalent in Hindostan, together with levying taxes on pilgrims, and granting licenses, were, in the judgment of the petitioners, wrong in principle, offensive to God, and tending to lower the British character in the eyes of the natives, and to prevent the spread of Christianity amongst them. The petitioners therefore prayed that such a course should be adopted, as would prevent any profits arising from the idolatrous worship in India, and that all servants of the Company, whether civil or military, should not be allowed to participate in the rights and ceremonies connected with the superstitions of the country. The Directors of the India Company said, with respect to toleration, that all religious rights not flagrantly opposed to humanity and decency ought to be tolerated, and that protection ought to be given to the exercise of those which did not offend against the law. He begged to express his entire concurrence in the reasons given in that document, and in the conclusion founded upon those reasons, and at the same time, he entirely concurred in the prayer of the petitioners. All that they desired was, that the order which had been sent out to enforce those resolutions should be carried into effect. Directions had been sent out to the Governor on the 20th of February, 1833, to act on the principles expressed in those resolutions. That being the case, the Europeans were naturally impatient at the delay which had taken place, in adopting any measures to carry those resolutions into operation; and suspicions were excited that nothing was intended to be done. Those suspicions, too, were increased by transactions which had occurred in India. A petition signed by the clergy of Madras and others, was sent in August, 1836, to the Governor of Madras, praying that those directions might be acted on. It appeared, however, that that was not a subject in which the Governor of Madras could properly interfere, and that it must be referred to the Supreme Court, and the petitioners accordingly requested that it might be so referred. In a few months afterwards, the petition was presented to the Governor General, and accompanied by a letter from the late Bishop of Madras, whose loss he deeply regretted—one who had been long resident in India, and who was a man of eminent zeal and piety. That letter was written in such a tone of moderation, as might be expected from a man of his principles and habits; but, in the answer which was returned to that application, the Governor General declared himself in direct opposition to the orders sent out by the East India Company, openly avowed his sentiments, and administered a rebuke to the Bishop, from which, at least, he thought his office should have protected the prelate. Could it, then, be considered surprising, that suspicions should be entertained that nothing, or worse than nothing, was intended to be done? Could it be supposed that the Governor would hold such language if it had not been thought that it would be agreeable to the authorities at home? Were not the petitioners, then, warranted in all their suspicions? Again, their suspicion was naturally strengthened by what had occurred at home. Four years had elapsed since the instructions were sent out, and nothing had yet been done. But, still further, after having in 1833, sent out those orders, the Directors, on the 22nd of February, 1837, passed another resolution, in which they called for information. Information! Why had they not on the former occasion all the information which was necessary, especially as the question was not one of finance? The Directors, however, desired information, and said, that they could not proceed to the consideration of the whole subject until that information had been laid before them. It was desirable, however, they said, that no unnecessary delay should occur in bringing before them the whole subject in all its bearings on the financial interests, the political obligations, and moral character of the Government. Now, he could not be thought uncharitable, when he said that it was evident from all their transactions that they had but little regard to its moral character; but whatever might be the bearings of the question, their Lordships would observe that that resolution bore date in February, 1837, and although six months now sufficed for communication with India, in February, 1838, no answer had been received. Great feeling prevailed in India on this subject, and it would manifest itself more and more. The directors gave positive orders, founded on the best reasons, five years ago, and now they said that they were deliberating upon the subject, and that it now engaged their most careful attention, and that of their governors abroad. Was that conduct which could inspire confidence? Could such conduct fail to excite suspicion that nothing would be done to relieve British subjects from participation in those idolatrous rites and to rescue the British name from connection with these unholy ceremonies? Had he unjustly charged he directors? Every word that he had said was justified by the directions which had been given by the East India Company to their governors. There was another case to which he would allude. A proposition had been made the other day by a proprietor in favour of carrying out those directions; but the Directors, supported certainly by a number of the proprietors—who naturally considered that the Directors were the best able to form an opinion on such a subject—passed a resolution to the effect that the public discussion of such questions was extremely dangerous. Now he admitted that any injudicious interference with the natives, any great change unaccompanied by preparation and explanation, might perhaps be dangerous; but he had seen enough of terrors of this kind to know that they were generally imaginary evils only. The greatest apprehension, he remembered, had been expressed when missionaries were first introduced, and it was said that nothing but revenge and ill-will would be excited amongst the natives. Then, again, there were terrors of the same kind when a Bishop was first sent out to Calcutta, and it was said that the natives would assuredly imagine that a serious intention was entertained of overturning their religion and establishing upon its ruin that of the British inhabitants. Another instance occurred on the abolition of the suttees, although it was subsequently evident that the Governor-General, acting on his own discretion, might safely have adopted that measure many years before. He begged again to express his entire concurrence in the prayer of the petitioners, and he was sure that the British subjects in India, whilst they entertained an anxious desire to effect the object stated in that petition, were at the same willing to act upon those principles of toleration which every wise and good man must desire to see in operation, and he felt persuaded that, consistently with those principles, they would contribute to relieve the natives from the onerous and disgraceful superstition in which they laboured.

The Bishop of *Chichester*, had to present a petition to the same effect, and would take that opportunity to express his entire concurrence in the prayer of it.

The Bishop of *London* wished to say but a single word. He knew that their Lordships were impatient to proceed to other business; but this subject was of such a nature that he felt it incumbent on him to state briefly one obervation, and it was this, that the executive Government in India, had not merely taken no step that was calculated to carry into effect the orders issued by the deliberate judgment of the Directors, but they had been retrograding and retracing their steps; and some measures which had taken in consequence of that determination had been since abandoned. He could hardly have believed it to be true were it not stated on authority, which it was impossible to doubt, that the order which had been sent four years ago to the two Commanders-in-Chief in India, and which had been so far acted on that Europeans were not compelled to attend and take part in the idolatrous ceremonies of the Hindoo worship, was now disregarded, and that the attendance in that idolatrous worship was compulsory again. He was not then prepared with the documents relating to that subject; and he would, therefore, then only put the case hypothetically. If that were true he would say that it would be an eternal disgrace on any Christian Government that could for a moment sanction such a proceeding on the part of any of its officers, however high their station, and that the

Government would be guilty of the greatest dereliction of duty to their country and to God if they did not at least replace Christianity on the same footing as enjoyed before that order had been issued. I no other Member of that House should adopt that step he should feel it to be his duty to move for copies of any correspondence which could throw light upon the subject, which, appeared to him deeply to involve the character of the nation.

Lord *Glenelg* requested the indulgence of the House for one moment. He certainly had been a party to the order which had been referred to, and had intended that it should be brought into operation. If, however, it had not been thought right to carry it into effect—if no steps for that purpose had been taken—he was very much grieved at it, and he could say that he thought that the East India Company had not done their duty to the English residents if they had failed to carry that order into execution.

The Archbishop of *Canterbury* had omitted to make one statement which in justice he was bound to add, more especially as it had been said that the Directors, instead of proceeding, had retrograded. One crying grievance had certainly been removed: formerly Europeans had been obliged to assist in dragging the car and to furnish the personal labour for that purpose; but that had been done away with by the Governor of Madras, and that comprised all that had been done in the matter.

Petition to lie on the table.

New Poor-law.] Lord *Wharncliffe*, rose to move for copies of correspondence between the Commissioners of the Poor-law and sundry persons on the subject of some alleged mismanagement in the administration of the law, and of particular cases of grievance which were said to have occurred in different parts of the country; and he must say, that the whole question of the Poor-law Amendment Act and its administration was in as unsatisfactory a state as could well be imagined. It had been in operation four years, and during that time it had been applauded on all sides, by the Members both of the House of Commons and the House of Lords, and by almost the whole of the press of the country—both the country press and the London press; and one singular thing was that, up to the present moment, there had not been one real case of grievance established. He was one of those who was not entirely satisfied with the law now that he saw it in operation, and before he sat down he would state the particulars in which he considered that it had not answered the expectations of those who brought it forward, and of those who supported it; and he should point out some cases in which he thought sufficient inquiry had not been made, and proper steps had not been taken to relieve the public mind from the suspicions which were naturally connected with a measure of this sort. He had stated generally, that the administration of this law was by no means in a satisfactory state; but to the inhabitants of the West Riding of the county of York, in which he lived, it was in a less satisfactory state than to the inhabitants of almost any other part of the country. Personally, and with regard to his own immediate neighbourhood, he knew nothing, because there no alteration had taken place; and he took it for granted, that the old Poor-law was not so administered as to be attended with any of the evils of the new. The Commissioners appeared to entertain the same opinion with respect to Lancashire, for the system had not been introduced there. However, he might undoubtedly before long be required to act in the capacity of guardian, and before he was called upon to act in that capacity he should like to have the matter cleared up, and to see whether the accusations that were brought against the measure, and against the Commissioners, were founded in truth. He should be extremely sorry to refuse to take part in the administration of the law, but at the same time, unless those accusations were removed, he should be very unwilling to assist in it. Before he entered on the points on which he thought there ought to be some alteration, and the cases in which he thought the Commissioners had not exercised a sound judgment, he must deal strictly with some of the accusations against the New Poor-law, which had never been brought fairly before the Commissioners in a way that could lead to any sufficient inquiry. The first case which had been mentioned by the noble and learned Lord opposite was the case of the Bourne union and General Johnson, and he must say, that that was a most extraordinary case. It was a most extraordinary thing that General Johnson should have thought proper to take facts on mere hearsay, and not to institute anything like a sufficient investigation before he ventured to lay before the public the attacks which he made on the Bourne union. He believed, that General Johnson was not only a member of the quarter sessions, and therefore connected with the neighbourhood, but was a Member of Parliament for a place in Lancashire; and, when he had made assertions in this town, at the Crown and Anchor, which must have directly referred to the Bourne union, of which he was an *ex officio* guardian, and when he had been called upon to give an explanation of those assertions, he must say, that the refusal of the General was most extraordinary. He was sorry to say that another case, which had been mentioned by his noble and learned Friend (Lord Brougham), was still stronger; it occurred in the West Riding of Yorkshire, where great agitation had prevailed on this subject. The inhabitants of that district were accustomed to inquiry—they were accustomed to unite and organise in opposition to what they thought wrong and in favour of what they considered right; and they were easily excited on any subject which appealed to their feelings. Under these circumstances, various persons had certainly produced considerable impression on the minds of the inhabitants of that part of the country, and had used language at meetings which appeared to him to be so strong as to require some notice on the part of the Government; it was not for him to say to what extent that language had proceeded, but if seditious language had ever been used it had been used on those occasions, and he held it to be the duty of the Government to interfere for the suppression of such violence, and to vindicate the law. In reference to these meetings and to that part of the country, he thought the Commissioners had not acted with discretion. They knew perfectly well, that a strong feeling existed there against the law, and he did conceive, that it would have been a wiser plan to have introduced the new system all round the place where the agitation existed, and then it might naturally have been expected that the inhabitants of that district, witnessing the benefits derived from its operation upon every side, would have been glad to avail themselves of those advantages; but the Commissioners came at once amongst them, and in the midst of the excitement called on them to take the preparatory step by electing guardians; and it was that proceeding which, as was well known, led unfortunately to the necessity of calling out the military. At the same time, he was bound to do justice to the Poor-law Commissioners. He happened to be acquainted with one of these Commissioners, and his opinions being known, he had learnt that the intention of the Commissioners was precisely that which he had stated—they had determined to establish unions all round the manufacturing districts, and first to see its effect in the surrounding agricultural districts. But they were compelled to adopt a different course, because, by the clumsy legislation of an Act passed last Session for the registration of births marriages, and deaths, it became necessary to establish unions and elect guardians; for by that Act some of the officers of the new Poor-law were to carry that Bill into effect. That it was, which made the Commissioners travel from their original intention. In that part of the country, besides, the old Poor-law had not produced the evils which frequently resulted from it. He would not say, that there was no fault on the part of the magistrates or overseers—he would not say, that the administration of the law was perfect; but still it was marked by none of those crying evils against which he was bound to admit, the Poor-law Amendment Act had, in a great many cases, provided remedies. No part of the people in that district had called for the amendment of that law, from the highest to the lowest; and those who were most affected by such a measure were quite satisfied with the operation of the old bill. It was not surprising that, having been excited by persons sent on purpose—being satisfied with the existing law—hearing stories repeated day by day of the cruelty and oppression, not only of the guardians but of the Commissioners—the three despots, as they were so frequently called by his noble Friend (Earl Stanhope) in that House—it was not surprising that, upon the introduction of that new measure, they should have exhibited a considerable degree of excitement and allowed themselves to be misled into acts of violence and outrage. One of the persons to whom he had alluded, he was sorry to say was a clergyman—he meant Mr. Bull—who had taken a part in these transactions which appeared to him most unjustifiable. He had made two attacks upon the system and the Commissioners at two public meetings, one of which was attended by many thousand persons; Mr. Bull stated first of all certain circumstances which had occurred at Nottingham, and made a charge of cruelty towards the persons in that workhouse? Now, what was the fact? On inquiry, it was quite clear that if those persons in the workhouse at Nottingham had been maltreated at all, it must have been under the Old Poor-law and not under the New. The next charge was also made at a public meeting at Bradford, where Mr. Bull produced a cripple, and told the people a story of a woman having been ill-used; he had said, that he would produce testimony of another sort—there stood before them a cripple who had met in the town with a friend who had, out of mercy, delivered him from sharing the terrors of the guardians; the mother was a widow, who received only a single loaf as outdoor relief for the week, and if it were not for the fear of her losing this single loaf, he would state the names and the places; but as it was, he would state them confidentially to the chairman. The next instance to which he referred was to that of "a young woman who had been stripped and flogged on the naked back, like a soldier, with a whip of eight or ten lashes." Mr. Bull had told these things to a meeting of several thousand persons, and he would leave their Lordships to imagine, when they were told, that the cripple could be produced to the meeting, what excitement the statement was calculated to produce, and what would be the probable consequence. The Poor-law Commissioners wrote to Mr. Bull most properly inquiring the names of the parties, the places where and the times when these circumstances occurred, and it was scarcely possible to believe, that Mr. Bull, a clergyman of the Church of England, should think himself justified in refusing to communicate the information, and, least of all, that if he refused to give the information which the Commissioners required, that he should leave their letter unanswered. Instead, however, of sending an answer he put a letter into the newspaper, in which he said that, singular as it might appear, he had that morning received a letter from the office of the Poor-law Commissioners, of which he sent a copy, as he proposed to hold no communication with them except publicly; he then gave the letter of the Commissioners, and then said that as the Poor-law Commissioners had received their information through *The Times* newspaper which had given a report of his speech, they should receive their reply through the same medium; and he protested against the un-English tribunal of the Poor-law Commissioners who had "usurped the prerogative of the King, the Parliament, and the courts of law." After objecting to this usurpation, and to the oppression of the poor, he proceeded to say, that he was prepared to show, that the cripple was no fictitious person, and that he was willing to lay the matter open for investigation, if the Commissioners would give substantial security that the single loaf granted to the poor widow and her child should not be taken away; but then, he said, that he would not accept any security from these Commissioners, since by the Act which they administered they had the power to rescind their orders and to break their promises as soon as made, and he was not young enough to be caught by their assurance. Mr. Bull talked of the usurpation of the Commissioners, but who were they? Were they usurping any power when they asked for information? They did it under the law which constituted them a public body; and it was the duty of a subject to lay before the Commissioners who were appointed by the law to watch over this particular subject, it was, he repeated, the duty of a loyal subject, who was bound to obey the law of the country, to give the grounds upon which he had stated the circumstances which he had publicly brought forward. Mr. Bull was in a situation in life, in which it must be supposed, that he had received an education enabling him to know the meaning of the words which he had used, and when he called the power which was given to the Commissioners by the King, the House of Lords, and the House of Commons an usurpation, he had used words which were not justified in the mouth of anybody, and least of all in the mouth of a person in his situation in life. He went on, however, and said, that unless he got the security, the description of which he stated, he would not give the information. He proposed, that the Commissioners should invest the cost of the widow's weekly loaf for seven years in the savings' bank, and unless they did this they would have "no information from him." The Commissioners had no power to make this investment, and he (Lord Wharncliffe) did not know how they were to set about it. [Lord *Brougham:* The powers of the Commissioners would expire before the expiration of the seven years.] Not only would the powers of the Commissioners expire, but the widow might also expire and, in short, the proposal was so ridiculous that it could not be acted on. Then, with regard to the young woman, Mr. Bull said that he was prepared to discover the names of the parties and of the union, but not for a Poor-law investigation, nor before the guardians, who sat with closed doors, and excluded the public press; but he was willing to promote a legal investigation in the courts of law before the revered judges of the land, and a jury; and if the Poor-law Commissioners would give security that the perpetrators should be prosecuted in the Court of King's Bench, he was ready to give up his authority. Now, he (Lord Wharncliffe) thought, that it was impossible for the Commissioners to give this security; it was the business of the Poor-law Commissioners to inquire first into the grounds of a charge, and if the inquiry should show that there were good grounds for a criminal proceeding, then, indeed, they ought undoubtedly to prosecute the perpetrators, and if they did not they would fail in the execution of their duty; but every one, before he dragged another into the courts of law, ought thoroughly to inquire into the circumstances of the case he brought forward. It was not sufficient to say, that information had been given to bind the parties at all events to prosecute in a court of law; the parties ought to inquire, and if there were grounds for the accusation, the Commissioners ought to prosecute the perpetrators of such barbarities. The remainder of Mr. Bull's answer was a mere repetition of the accusations which he had brought against the Commissioners of usurpation, and it ended with rather a sweeping charge against, amongst others, their Lordships; for he said, that the devisers of the bill were guilty of constructive treason and conspiracy against the liberties of the people. And this was in justification of language used to a mob—he did not use the term at all offensively—but was it language which any person ought to use, and was it not such as would lead the persons to whom it was addressed, to think that they had some sort of authority for believing that the law was unjust. The next case which he would mention related to the letter of his noble Friend near him (Earl Stanhope). It appeared, that the Poor-law Commissioners did not ask his noble Friend to explain anything which he had said in that House, but to give an explanation on the subject of a letter which he had written to them. The Commissioners took for granted that when his noble Friend mentioned cases relating to the operation of the Poor-law he would be ready to state the particulars that their Lordships would insist, if such statement were made in their House, upon having the names of persons and of places, and that they would be put in possession of such circumstances as would accelerate their inquiries; they would not believe, that the noble Lord would be there, as elsewhere, so extremely unwilling to give the names and particulars of the cases cited that their Lordships might satisfy themselves; but they had remained satisfied with what had passed in that House, seeing that taking notice of what fell from Members in Parliament was sometimes attended with dangerous results. But his noble Friend had written a letter respecting some poor persons who were represented to have suffered severely under the Poor-law; and the Commissioners being anxious to redress the evil if it existed, and if it had no foundation to remove any ill impression with respect to it which might exist in the public mind, wrote to the noble Lord requesting the names of the parties, the places where, and the dates when the circumstances occurred. The answer which they received from the noble Lord was, that the statements were not his own, but that he had received them from a correspondent in Suffolk, who had not stated the names of the parties or of the places. Not satisfied with this answer, the Commissioners pressed the noble Lord to grant them the favour of obtaining from his correspondent such particulars as would enable them to investigate the facts, or if he would give the name of his correspondent, the Commissioners stated that they would communicate directly with him, and save his Lordship all further trouble. His noble Friend had answered this letter by saying that he had communicated with the Gentleman referred to, that the statement could be proved on oath; but he declined to mention the names or the particulars for the reasons publicly stated by the rev. Mr. Bull, of Bradford, for fear of similar consequences to the parties. He had, therefore, not only to complain of Mr. Bull, as he did in Yorkshire, but also for the example which he had furnished to others. He (Lord Wharncliffe) must certainly say, that this was not a fair way of dealing with the Commissioners in the first instance, nor with their Lordships in the second instance; and, least of all, with those poor people, in whose circumstances and privations the noble Earl took such warm and firm interest. He gave every credit to those who had urged these objections for the sincerity by which they were actuated; but he must say, that they took the worst possible method of bringing those objections forward. Their Lordships would concur with him, that when any person came forward to attack persons in official situations — when charges were brought forward against such persons, calculated to prejudice their public conduct—the individual, whoever he might be, who brought forward such charges was bound to state the grounds on which those charges rested. He was bound to do so in such a way as to afford to the parties accused an opportunity of answering the allegations urged against them, for he did not see how the parties accused could have the fullest opportunity of defending themselves if they were refused to be put in possession of the authority upon which the charges against them rested. He thought that the sooner the matter of such charges was sifted the better. If the stories of cruelty and oppression which had been told were true they would at once be able to come to the conclusion that there must be something wrong in the Act of Parliament under which they could be inflicted. But if, on the contrary, these stories turned out to be unfounded, why then, in that case, the sooner the public mind was disabused on the subject the better; and that object could in no better way be effected than by investigating in a satisfactory manner the grounds on which those statements rested. In the House of Commons something had been done on this subject. He entertained towards the House of Commons the same feelings of respect as towards their Lordships: he feared, however, that what had been done in the other House of Parliament would not have the effect that was intended. He feared that instead of doing away with the imputations cast upon the Poor-law Act those proceedings would rather tend to keep them up. The House of Commons had appointed a Committee to inquire into the operation of this Act, but he believed that Committee had done no more than make a report of the evidence. That Committee had been appointed in the last Session of Parliament, and had been renewed in the present Session. There had already six deliveries of papers taken place, which had been communicated to their Lordships; but these papers contained nothing but the evidence of the Poor-law Commissioners. He did not doubt but that they gave much useful and valuable information with respect to the mode in which they had proceeded to establish unions, and to carry the Bill into operation; but though this information might be very valuable in itself, he did not think, that that was the way to get rid of the imputations against the working of the Poor-law. The whole question was comprised within a very small compass. Were those stories of neglect true, or were they false? It appeared to him that the first thing that ought to be inquired into, was whether these statements were true, or whether they were false. He was sure that the immediate publication of the evidence, if the charges were unfounded, would have the effect of removing any injurious impressions that were entertained on this subject by a great part of the public. Having stated these cases, he would now proceed to mention other cases, in which he did not think the working of the Poor-law was altogether satisfactory, and with respect to which cases he thought it desirable that some alteration should be made in that interpretation of the Act under which the Commissioners acted. The first cases to which he should allude, were those of the Bridgewater Union. A certain gentleman, named Bowen, had written a pamphlet, and had published several letters on the subject in the *Times* newspaper. He must, however, say that Mr. Bowen appeared to him to have made out too good a case for himself. In his published statements he showed too great an extent of maladministration—he proved too much, as was generally the case with enthusiasts, who, when they had a case to make out, generally went beyond the mark, and by so doing threw suspicion over all their views and conclusions. The Commissioners had ordered an inquiry, and when the result of that inquiry should be made known, they would be best able to form a judgment; but from what was stated, if those statements proved to be well founded, it would appear that with respect to the Bridgewater Union, there was a good deal of blame to be attached to the conduct pursued by it. When these papers should be produced, he should think it his duty to move their Lordships for a Committee to inquire into all those transactions to which they referred. Some of the circumstances with respect to this union, even on the showing of the Commissioners themselves, were not satisfactory. The principal charge was with respect to the dietary, and the continuance of that dietary, without any alteration whatever after sickness had commenced. There was also another charge with respect to a change made in the medical officers, and the placing persons of an improper description in their room. The next case to which he should call the attention of their Lordships, occurred in a parish in the county of Berks, in the Union of Hungerford. This was a case that was by no means free from blame. It appears that in this union an able-bodied labourer with seven children, applied to the parish for relief, the eldest of his children only thirteen years old. There was none of the family, except the father, able to earn anything towards the support of the family, and his earnings amounted to eight shillings a week, a sum which was quite insufficient for the support of a man and his wife and seven children. He applied to the workhouse to relieve him of the support of some of his younger children, but the guardians refused to do so, stating that they had no power. The guardians then wrote to the Commissioners, stating and urging that the young females of the family might be taken into the workhouse, so as to enable the remainder of the family to live by the earnings of the father. But this the Commissioners refused to comply with, stating that it would be a grant in aid of wages. They stated that, from the circumstances submitted to them, it would appear that they were called upon to sanction a recurrence to the exploded system of granting relief in aid of wages, and which was, however, a practice calculated to have the worst possible effect on those who received relief, and the Commissioners stated that, receiving a part of a family into the workhouse without receiving the whole, was a grant in aid of wages, and they stated that they could not comply with the request of the board of guardians. It appeared, then, that the request of this individual to have part of his family admitted into the workhouse was refused. He knew that the notion prevailed, that the only way to prevent relief being improperly administered, was to make destitution the test of relief. But what further test did they require than to show that a man was in a state of distress to this amount, that all that he could earn was insufficient for the support of his family? He thought that there ought to be a discretion allowed, and that when a person was shown to be unable to support his family, he ought to be assisted in doing so. Were they to be told, that in such a case as this they were to be precluded from giving relief to a person in this situation—placed in this state of distress by no misconduct of his own, and by circumstances which he could not avoid? If there was not some discretion allowed in cases of this kind, their law would be likely to break down, however good it might be in other respects. Now, with respect to the improvident marriages, it was understood at the time the law passed that after the passing of the Act no relief could be given out of the workhouse to persons who had contracted improvident marriages, because they were only suffering distress which was the consequence of their own imprudence. But persons who married before this law, and who were suffering distress to an extent that gave them a claim to relief, ought not to be punished by the operation of what in their case was to all intents and purposes, an *ex post facto* law. He certainly admitted that one argument urged in favour of the law was, that it was to put an end to out-door relief, and that the workhouse was to be made the test of destitution; but the Act was so rigorously carried into operation, that out-door relief was refused in all cases whatever. If he thought there was to be no discretion allowed in extreme cases—if he thought that the powers given to the Commissioners, were in all cases to be imperative with respect to out-door relief—nothing would have ever made him give his consent to the Act. He thought in this respect that certain parts of the law ought to be altered. He thought, that in certain cases a discretion ought to be left with the board of guardians, which they should exercise on their own responsibility, if they thought proper in extreme cases; that the powers of the board of guardians ought not to be imperative, and that they should not be forced to draw the string so tight as to render the working of the Act a cause of discontent. He had trespassed longer upon their Lordships' attention than he had originally intended, but it was a subject on which he felt most anxious that all doubt and misrepresentation should be fully cleared up. He had never disguised either in that House or elsewhere, that he had supported the Poor-law Amendment Bill when it was in that House. He had never disguised his opinion, that the evils of the old Poor-law, particularly in the south of England, were enormous, and that it was necessary that the old system should be superseded by some wise and comprehensive and at the same time stringent law. They had now had four years' experience of the working of that law, and he thought that it was the duty of those whose experience enabled them to point out the defects in the operation of this law, to come forward and give the Commissioners appointed to administer this Act, an opportunity of showing what were its defects, and not only the Commissioners, but Parliament, in order that whatever defects were ascertained to exist, might be remedied. For these reasons he moved for these papers, and when they should be produced, it was his intention to move for a Committee to inquire into the circumstances connected with these cases. It was not his intention to move for any general inquiry, or to go beyond the cases referred to in the notice which he had given. In his opinion, the case, between the supporters and promoters of the present Poor-law, and those who resisted it, lay in the proof of falsehood of the statements which had been brought forward. Their Lordships would now be afforded the opportunity of ascertaining the truth or the groundlessness of those statements. He was sure that his noble Friend (Earl Stanhope) would not refuse to their Lordships the information which he had refused to the Poor-law Commissioners. Under these circumstances, he begged to move for the production of the following papers:—Copy of the correspondence between the guardians of the Bourne Poor Union and General Johnson, in February, 1838, relative to the statement made by that officer at a public meeting at the Crown and Anchor Tavern; also copy of a letter from the Secretary of the Poor-law Commissioners to the Rev. G. S. Bull, respecting certain passages contained in a speech delivered by him at a public meeting at Bradford, in the month of February last, together with the answer to such letter, if any has been received; also copies of the correspondence between Earl Stanhope and the Poor-law Commissioners, in the month of January last, respecting a statement of the cases of several poor persons who had suffered under the Poor-law Amendment Act; also copy of a letter to the Poor-law Commissioners from the minister, overseers, and rate-payers of Shalbourne, in the county of Berks, respecting relief to large families, by the admission of a part of such families to the Hungerford Union poor-house, together with their answer thereto, dated the 3rd of March, 1838; and also copy of any correspondence which may have taken place between the Poor-law Commissioners and any person whatever respecting the insufficiency of the dietary in the Bridgewater Union poor-house, or in consequence of any alleged improper conduct upon the part of the guardians or surgeon of that union in the treatment of the poor thereof.

Viscount *Melbourne* observed, that his noble Friend certainly appeared to him to have succeeded, after all, in making out merely a half-and-half sort of a case. His speech was somewhat of a piebald nature: expressing sometimes approbation, sometimes censure; sometimes looking northwards, and sometimes southwards; in short, it was a speech having different aspects and different views with respect to the very important measure that had been brought before their Lordships on the present occasion. It was not his intention at this moment to go into the merits of this great question. The new poor-law had already been discussed in their Lordships' House at very great length; he should not, therefore, detain their Lordships by entering very generally into a defence of that measure, or into a refutation of the general arguments that were urged against it. He would only say generally that, in his opinion, this matter, as all questions more or less were, was too much argued without reference to the state of things which had existed before its enactment. This matter was always argued as if the state of things before was perfectly proper and right—as if the poor were in a condition of complete happiness—as if an overseer, before the passing of this law, was a person never supposed to be harsh, violent, rough, or disagreeable in his deportment—for great objections were taken the other night against the deportment of the guardians towards those who applied for relief—and as if the overseer heretofore was also a person of the best and most tender feelings, one who was ever ready to pay the utmost attention to the pauper, and under whose sway none of those grievances took place that now operated so oppressively on the poor. But so far from believing this to be the real state of the case, he was certain that if the old system had been scrutinized as the present system had been, that if the former system had been examined into with anything like the rigid examination which the new system had undergone, it would have been found that the infliction of misery was a thousand times greater under the old poor-law than was experienced under the new. Cases, indeed, were often brought forward during the existence of the old system, and often underwent the censure of courts of justice. He was, he would repeat, perfectly certain that if the old system were subjected to anything like the same strict examination applied to the new, all the defects supposed to exist at present would have been found to exist under the old in a tenfold degree. His noble Friend (Lord Wharncliffe) had said, that though no case had been substantiated against the Commissioners, or against the law, or against those who had the local administration of it, yet, at the same time, the Commissioners had been guilty of great imprudence in introducing the new law into that part of the country with which he (Lord Wharncliffe) was most particularly acquainted. His noble Friend had also said, and very truly said, that very violent language had been used in that part of the country against the new law and the administrators of it, and he had expressed his assent to the observations made by a noble Earl the other night, that the Government ought to prosecute those who were guilty of uttering such language; that they owed it to the poor-law itself, and to the Commissioners who administered it, not to suffer such language to pass without making it the subject of severe animadversion. Now, he must own that great discretion was required to be exercised in such matters as this. Within the last six or seven years there had been a great deal of discussion upon the prudence and discretion of instituting this kind of prosecution; and he confessed that there was not very great encouragement given to parties to enter upon these prosecutions. There was great difficulty to be encountered. An individual who went to the law of libel for redress in this country appeared to him to put himself pretty nearly as much upon his trial as those whom he accused. The feeling which first arose upon these matters would at the time of trial be passed: the words themselves that were complained of were very likely, in the first instance, to produce a stronger impression than they ought to do, and when they came to be considered afterwards they would very probably not be found very formidable, and when they came to be discussed and palliated by counsel, they would possibly be found susceptible of great mitigation. This he felt strongly, partly from his own experience, and partly from the observations of others, how extremely prone every man in this country (and he supposed in every other country) was, to palliate and excuse the most indiscreet, the most intemperate, the most violent, the most inflammable language, provided it had been uttered by those whom he considered to belong to his own party, and in support of those political opinions to which he himself was attached. He had always found that, however strong the feeling might be in favour of prosecuting persons for using intemperate language, yet when the parties really came to be tried, those who instituted the prosecution were not so very warmly and energetically supported even by those who had recommended it. Therefore a prosecution of this description was a matter of prudence, of consideration, and of expediency. At the same time, admitting, as he unquestionably did, the violence of this language, he confessed he was surprised that it had not deterred his noble Friend opposite from concurring and acting with those who had employed it. However, in his opinion, it would not have been prudent (from causes which he would not go into any further now—perhaps, indeed, he had already gone too far) to have instituted a prosecution against the parties for the uttering of that language. But his noble Friend (Lord Wharncliffe) had said, that the Commissioners should not have introduced the new law into the district in which this excitation and violence prevailed. Whether the course pursued by the Commissioners was the most prudent or not, he would not stop to inquire, but he begged to observe, that that was not the only part of the country in which excitement and violence against the new poor-law had existed. There had been much prejudice and hostility entertained against the law in the south of England; but when the assistant-commissioners had gone down and explained the law to the people, that prejudice and hostility gave way; peace and tranquillity, and a fair acceptation of the law, had succeeded the violent opposition that was first entertained against it; and why should not the Commissioners have expected that this also would have been the case in other parts of the kingdom, particularly among a population which his noble Friend had described to be so intelligent and so superior as the population of the west riding of Yorkshire? Why the Commissioners should not have expected that their arguments would have worked with equal effect upon the excellent understanding of that population, and upon those pure and warm feelings which his noble Friend had said actuated the people there, as well as in the other parts of the country, he could not understand. But, then, his noble Friend had said, that the act of Parliament of last year was a bungling piece of legislation, which made the Poor-law Unions necessarily the registry of births, marriages, and deaths. If, indeed, it were so, then it was a piece of legislation that proceeded from his noble Friend's side of the House. The Registration Bill did not come up from the House of Commons with that provision in it. That provision was introduced by a noble Lord not now in the House, Lord Ellenborough; he introduced that "bungling" piece of legislation, and it was adopted by those who introduced the Bill. But he did not think, under the circumstances, that that was so bungling a provision, because that was an act, not of last year (as his noble Friend had stated), but of the Session before last, and the Bill was introduced previously to there being this excitement and violence in opposition to the new poor-law, and when there was every prospect of the whole country being formed into unions in a short period of time. There was then no opposition to the bill in any part of the country, and there was every reason to believe that the proposition would be carried into effect, and that the persons belonging to the unions would be found capable of accepting the office of registrars throughout the country. With respect to the observations of his noble Friend upon the correspondence moved for, he certainly concurred in them. Of course he could not have any objection to the production of that correspondence, nor of the papers for which his noble Friend had likewise moved. When his noble Friend should have obtained the papers in the Bridgewater case, it would be for him to proceed as he might think proper. It was a case which had in a great degree originated in a dispute between the board of guardians and the medical men of Bridgewater, and it entirely depended upon the truth of the circumstances alleged upon one side and the other. With respect to the Hungerford Union case, he (Viscount Melbourne) had no objection to the production of the papers relating to it; but that was a case in which the facts were clear and easy to be understood, and he certainly could not come to the same conclusion with respect to the conduct of the Commissioners as his noble Friend. It was a case which involved one of the main principles of the Poor-law Bill. It involved the question of out-door relief; it involved the question of making up the wages of the labourer out of the poor-rates. That appeared very distinctly to be the fact upon the face of the papers to which his noble Friend had referred. The case was this: the guardians complained that an able-bodied man with a large family having asked for relief for one child, they told him that they could not give him relief for one child, but that if he would come with all his family into the workhouse he might be relieved there. The guardians objected to the restriction thus imposed upon them, because it subjected the union to a much greater expense in having to maintain a man with a large family, than it would have been subjected to if the guardians had been at liberty to have taken one of the children into the house, and left the man out to struggle and work for the rest. The guardians put the case upon the ground of economy. But then they went on to state that there were several other poor and large families in the union, two or three of whom they should like to have relieved in the same manner. Now it was perfectly true that by the union having taken this poor man and the whole of his family into the workhouse, the expense of supporting many of the other poor families had been saved, because the other families would rather forego relief altogether than go into the workhouse. But the moment that any one of the children of this poor man's family had been taken and supported by the union—the rest being left to be maintained by the father—there would have been applications from all the rest of the families in the union. The real question, therefore, resolved itself into this: whether or not the old system was to be revived—for if one child of a family were to be admitted into the workhouse, that would in effect be making up wages from the poor-rates—and by admitting wages to be made up from the rates they would undoubtedly prevent the farmer from raising the rate of wages, for he never would raise them whilst he could pay part of them out of funds to which other persons contributed. Therefore, in his opinion, it was quite clear that it was a wise thing on the part of the Poor-law Commissioners to direct the guardians of the Hungerford Union to hold strictly to the rule which they had prescribed to them; and he should like to know how those Commissioners could have acted otherwise. There should certainly be every regard paid to the feelings of those who required relief, but he would contend that it was better for the poor families themselves who, were under some degree of privation and suffering, and even living worse than they would in the workhouse, that they should struggle through difficult times and hard circumstances rather than throw themselves upon the parish for relief. The Poor-law Commissioners were therefore perfectly right in directing an adherence to the rule in question; and he should like to be informed whether, from experience, that rule had not contributed to the benefit of that union in general, and particularly to the advantage of the poor themselves? The noble Viscount concluded by repeating that he had no objection to the production of the papers.

The Earl of *Radnor* said, that if the Commissioners had acceded to the application of the board of guardians in the Hungerford Union, they would have acted in direct opposition to the great principle of the Poor-law Amendment Act, one of the main objects of which was to put an end to the system of out-door relief. The noble Earl contended, that wherever the regulation of the Commissioners had been introduced, most beneficial effects had been produced in the characters and circumstances of the poor themselves. It had operated in the way of making the farmers raise the rate of wages. The system had worked equally well for the farmers. The labourers no longer required to be watched in order that they might perform their work. The master had a confidence in the industry of an independent labourer, which he could never feel towards a man whose wages were partly made up out of the poor-rates. Formerly no part of England was more pauperised or disorganised than the counties of Suffolk and Norfolk; yet it had been alleged that the farmers of those counties were about the best farmers in the kingdom; men of the greatest capital and the greatest intelligence, and who altogether understood their business well. Now, in these two counties there was not a single board of guardians on whom the Poor-law Commissioners had enforced their rule, and yet there was not a single board who had not adopted it of their own accord; and what had been the result? In one of the unions (he forgot the name) during the winter before last, there were out of work 1,260 and odd able-bodied paupers; in the course of the last winter there were only eighty-one labourers out of work in that union. In another union, during the winter before last, there were upwards of 900 persons out of work while in the last winter there were only sixty out of work. With this experience he could not help hoping that his noble Friend opposite would think twice about it before he decided against the propriety of enforcing this rule of the Commissioners. There was one reason for not giving able-bodied men, who were not paupers but good labourers, relief in the way suggested by the board of guardians of the Hungerford Union. He would put that reason in the language of a person who was one of the first to introduce the new system; he meant the rev. Mr. Whateley, the rector of Cookham, who said—"I always refuse a good and industrious man relief, because I know he is a man of good character, and I will not do him the injury of making him a pauper." It had been argued that a man of good character ought not to be refused relief; but a man of good character was always sure to be supported by his wages. If relief, therefore, were granted at all in the way proposed, let it be given to men of bad character who would have no one to feel for or sympathise with them. What was the ground on which relief was given out of the poor-rates? Not on account of character, but on account of destitution. But an able-bodied, industrious man was not in a state of destitution, for he maintained himself by his industry; his very character, therefore, disqualified him from receiving relief in the manner proposed by the board of guardians of the Hungerford Union. Upon every ground he approved of the rules laid down by the Commissioners, and in every instance he hoped they would be strictly adhered to. A noble and learned Lord stated the other evening that there had been a prodigious increase of crime, which he attributed entirely to the operation of the new Poor-law Bill. He (Lord Radnor) held in his hand a copy of the criminal returns for the last year, and if anything could be less conclusive than another of the increase of crime as owing to the operation of the Poor-law Bill, it was to be found in those returns. It was true, that in some counties crime had increased, but it was remarkable that in every one of the counties in which the new law had been extensively carried into effect, crime, instead of increasing, had materially decreased. In the county of Bedford it had decreased twenty-four per cent., and in Norfolk, Suffolk, and Cambridge, where the operation of the new law had become general, it had decreased at least seven per cent. The returns, moreover, showed that the great mass of crime was of a nature not likely to be committed by persons suffering under the operation of the new Poor-law Bill.

The Earl of *Winchilsea* entirely differed from the noble Earl, who said, that character ought not to be considered in granting relief. One of the reasons which induced him to support the new Poor-law was, that it would tend to improve the moral character of the peasantry. But if the noble Earl's doctrine should be generally acted on, the agricultural labourer would find, that good character was in no way advantageous to him; for the profligate and improvident would then be equally objects of charity and benevolence with the industrious and unfortunate. If he had thought that the new Poor-law would entirely exclude out-door relief, he never would have given it his support. But he asserted, that the Act as passed did not prohibit out-door relief, for it contained a clause providing that, in case of urgent necessity, the guardians should have the power of giving out-door relief. Could there be a case of more urgent necessity, he should like to know, than that of an honest and industrious labourer, who could not provide bread for his family? In the Shalbourne case, it appeared that the sum of 8*s*. 6*d*. given to the labourer was the general price of the district. Now he put it to their Lordships whether this rule ought to be acted upon; that, in order to obtain relief, the labouring man must go with all his family into the workhouse. There was scarcely a parish in the kingdom where there was not some man of good character, struggling against difficulties, in order to provide support for a numerous family, which it was impossible for him to do without some occasional aid from the parish. He thought that with regard to relief each case ought to stand on its own merits, and he hoped he never should see the day when character as well as destitution would not be taken into consideration. He maintained, that by giving to the guardians of the poor the power of deciding in what cases out-door relief should be supplied, no danger would be incurred of reverting to the old system of paying wages out of the poor-rates, for each case would be considered on its own merits, and from the parental feeling which characterised the labouring classes of the country, their Lordships might be assured that no honest labourer would part with his child, and allow it to be reared in the workhouse, except under circumstances of absolute necessity. He felt bound to bear this testimony to the character of the labouring classes, for he was sure they regarded their offspring with as much affection as their Lordships did theirs. He, therefore, trusted that some discretionary power, with regard to out-door relief, would be allowed the guardians.

Lord *Falkland* thought, that no good case had been made out against the new Poor-law. There was no doubt, that the lower orders in the north of England were much better off, and less exposed to the pressure of want than they were in the south; but this, he thought, proceeded from a variety of causes, not in any way connected with the administration of the old Poor-law. In the first place, employment was more easily obtained; then again wages were higher; and in the part where he occasionally resided, it was owing to the thinness of the population, and the consequent ease of settling the parish affairs. But where distress had been formerly felt, much had been overcome by the introduction of the new Poor-law, and he hoped, that, eventually, it would be established, and properly carried out in every part of the kingdom. He could, if it were necessary, state cases that would convince the noble Lord himself, of the absolute necessity of the new Poor-law. Every objection which had been hitherto made against it, had been taken up, and generally speaking, pretty fairly refuted; and he hoped, that if the papers which had been moved for, were found on being produced to be unsatisfactory, the noble Lord would move for a Committee, and that it would be granted, for the purpose of making inquiry into the working of this measure; and he thought, that Parliament would then be satisfied of its beneficial effects. There was one objection which had been made to it in Yorkshire, relating to the economical part of the arrangements. It had been said elsewhere, that the saving by this law, was not so great in reality, as it appeared; and when other expenses, which were formerly paid out of the Poor-rates were deducted, that the saving would be reduced to almost nothing. If that were right, the Commissioners in the south of England, had not acted with the same uniformity as in the north; for there, upon their arrival, they had summoned the overseers of the different parishes to attend with their books, and their accounts for three years previous were gone through, and after those items which had not been directed to the support of the poor, had been struck out, an average was taken. On this average, the demand was calculated for what each parish ought to contribute to the support of the poor, and a very considerable diminution had been thus effected. Under the old Poor-law, if a labourer, who received parish relief in a district, and who had been removed to it, were again found, after a lapse of time, away from that district, he was liable to be taken up, and prosecuted as a vagrant; that part of the law still existed, and in his opinion, it was most unjust. He had, however, just received letters from the north, by which it appeared, that a board of guardians, there connected with a distant union, having found it impossible to remove paupers to the workhouse, had endeavoured to establish a system of giving relief in every parish, where want had overtaken any paupers. He could bear testimony to the guardians in the part where he sometimes resided, having done all in their power to carry out this Bill, and though it had not yet attained perfection in the south, it ad worked wonders; and he thought it extraordinary, not that the law was not more imperfect, but that it was so good as it was. If any alterations were to be made in it, they should be adopted only after a calm investigation by the Committee, and should be made all at once, and not by piecemeal, so as to extend over a number of Acts of Parliament, and thereby occasion much confusion.

Earl *Stanhope* concurred entirely in many of the observations which had been made by the noble Lord (Wharncliffe), who had spoken with so much ability, and he owed the noble Lord his sincere thanks for the opportunity which he had given him, of which he was always desirous, and of which he now most gladly and gratefully availed himself, to renew the discussion upon this subject. He also felt obliged to the noble Lord by the course he had taken, as it drew the attention of Parliament, and of the people, to the allegations contained in the papers on the table; and that, contrary, perhaps, to the wish and design of the noble Lord, greater publicity would consequently be given to them, than they had already received. He could have wished, however, that the motion of his noble Friend had been more extensive, so that the Augean stable of Somerset-house might have been cleared out, and that his noble Friend had called for the production, not of the insignificant correspondence for which he had moved, but for all documents whatsoever, which might be found in the repositories of the three dictators. That motion, from the influence which the noble Lord had on his side of the House, he would have been sure to have carried. Their Lordships would then have seen by those documents, if produced — and as public documents, that House had a right to demand them—what representations and remonstrances had been made by the boards of guardians, what answers had been given, what specific cases had been brought, what investigations had taken place, and what had been the result. They would have heard, also, that which they ought to have heard, but of which they were at that moment ignorant, what rules, orders, and regulations had been applied to the several unions, which had all the force and authority of positive statutes, by virtue of what was called, and which purported to be, an Act of Parliament; but which, if Parliament had no right to have passed that measure, would be an useless roll of parchment. As to himself, he should have had no objection to have produced all his correspondence on this subject, if necessary; for there was no part of his public conduct which he was ashamed or afraid to avow. He was not only able and willing to justify it; but he would also add, that he did not hold himself accountable to that House, or any of its Members for doing his duty, and that he was responsible only to God, and his conscience. With respect to that correspondence, the "very head and front of his offending" appeared to have been, that he had received statements from a correspondent of his own, with whom he had had frequent communications, which had been made to Mr. Oastler at Huddersfield, and that he had read them over at a public meeting. They had not, however, arraigned the conduct of individuals; but the system under which they had acted. Some time ago, he had had occasion to take the opinion of high legal authority on a case in Suffolk, where great injury and injustice had been done to certain persons. There were several questions, and their purport was, whether, under the new Poor-law, the guardians had a right to act as they chose, for they insisted on removing whole families into poor-houses, at a great expense, when they might be relieved at a small expense out of them. [Lord *Brougham:* The families had not been forced into the poor-house.] He could not state the cases, but he would read the answers which the person to whom he had applied, had given to those questions, and it was, that "he thought it impossible to give a true legal answer to them, for in all cases relating to the new Poor-law, the Commissioners had complete legislative authority, and their orders were considered as parts of the Bill. He had hoped, to have found those orders in the Parliament-office, but had not been successful; but their power was exercised by orders for particular unions, and thus Parliament was deprived of the control over them, which they ought to possess. He did not, however, know those orders for the union from which this case had been sent, and he, therefore, could not say how far their conduct had been justifiable or not." The authority he had quoted, was, a high legal authority. The charge which he and other opponents of the Bill brought, was against those orders—against the system which necessarily produced such injury and injustice. He did not admit, with his noble and learned Friend opposite, that their objections rested on specific cases. His noble and learned Friend had shown a great and laudable desire to obtain an abolition of slavery, but he would ask him, whether he thought that slavery was not a great and intolerable evil, even under an indulgent and kind master? Slaves were not necessarily unhappy or illtreated, but they might be so. His objections to this Bill, then, could not be answered, even if no case of hardship under it could be specified. He had abstained from stating to the House the cases to which he had just referred, because it was tedious to those of their Lordships, who were unaccustomed to legal investigations, and intolerable when polemical discussions were introduced. He would proceed to the notice which had been taken of his correspondence with Mr. Oastler at Huddersfield. His noble Friend was not aware that he would obtain nothing, more by seeing it, than what he already knew, for those cases had been reported in *The Times*, and their accuracy therefore, might be depended on, although they had not been communicated to the Commissioners at Somerset-house. The system itself had been abused, not the agents of it, and he must say, that persons of independent character ought not to accept the office of guardian unless they hoped to mitigate the rigours of this law. When he had been asked to state these cases he had declined to do so, following the example of his friend, Mr. Bull; and he had refused upon two grounds—first, because there was not a proper tribunal before which the cases might be investigated. It was a mockery and insult to the injuries already heaped on the laborious classes of this country, if persons were to be judges in the cases brought against them. What had taken place in the Bridgewater case when a complaint had been made by Mr. Bowen against the guardians of that union? What other result could be expected if the Poor-law Commissioners were to sit in judgment on their own orders? As to bringing it before a court of law, the inconvenience was well known; and if done at all, it must be done at the private expense of the person himself, for he held combinations of persons for the purpose of paying the expenses of any prosecutions as illegal and improper. But without this, a sufficient plea might be brought by the defendant in saying, "We acted under the orders of three Commissioners, and if we had not obeyed them, we should have been subject to fine and prosecution." In the second place, it was only just to the complainants that their names should be concealed until they had received security from being punished or prosecuted for making a complaint. He certainly would not give the names of his correspondents who communicated information to him on the subject of the Poor-law, because those petty tyrants who acted under the orders of those greater despots at Somerset-house might find occasions to oppress them. He thought it but justice to those individuals that their names should be concealed. Let not his noble Friend who brought forward this motion flatter himself with the idea that, if a Committee of Inquiry were appointed, which should examine him on oath before it, he would disclose their names. He could neither feel nor exhibit any disrespect for their Lordships; but, fully sensible of the duty he owed to their Lordships, and feeling also that which was due to himself and to his conscience, he should decline, whatever might be the consequence as affecting himself, whatever might be the punishment with which his contumacy might be visited, he should certainly decline answering any questions tending to disclose the names of the individuals of whom he had spoken. He conceived, that there was no rule more valuable or one which it was more incumbent on every man to follow than this—that whatever was communicated in confidence, either expressed or implied, ought never, under any circumstances, to be disclosed. His noble Friend admitted, that this New Poor-law, which he contended ought to be repealed entirely, required considerable amendments. His noble Friend had alluded to the fact of the guardians having acted upon their own judgment and discretion, although it were against the orders of the Commissioners. Now, if his noble Friend condescended to accept the office of guardian, he was sure his noble Friend would also act upon that principle firmly, and oppose the mandates he should receive from head-quarters. He had no doubt, whatever, that all the charges which were made against the New Poor-law and its operation, could be substantiated in a court of justice; but, whether or not, he objected to the principle of the Bill—he objected to the possibility of such acts as had been over and over detailed taking place without responsibility to any body of men. It was said, that those acts had not been proved; but such was not the fact. The Bridgewater, and other cases that he could name, had been proved beyond all possibility of doubt. With respect to the cases mentioned by Mr. Oastler, upon whom the noble Lord opposite had made an attack, they had been objected to on the ground of their having been brought forward upon hearsay evidence only; but had they been disproved? They had not, and, until they were, he considered that they should not be rejected as altogether unworthy of credence. In reference to what had fallen from the noble Lord at the head of the Government, he begged to say he entirely concurred with him in the very judicious resolution he had come to on this subject—namely, entirely to disregard the intemperate advice he received from others. He could, moreover, assure the noble Lord, that opinions perfectly consistent with that resolution would be found to pervade the mountain of correspondence which he had from time to time received on this subject. So far as that point was concerned, he should not at all object to lay the whole of that correspondence before the public; for if any one could be found with sufficient patience to wade through it, whether confidential or not, he would find it full of exhortations to abstain from all tumultuous proceedings, all acts of violence, and to confine themselves solely to legal and constitutional proceedings in their opposition to the New Poor-law. He had stated before, and he repeated, that it was a law by which the immoral and dishonest character was benefitted at the expense of the better part of the community. Such was its practical operation, that a man of good character, actuated by principles of morality and rectitude, and who, not wishing, even in the extremity of his distress and suffering, to support himself by the plunder and injury of his neighbour, had his choice either to wither and starve in silence and in solitude without complaint, or to ask for what was called by the insulting term of relief. It was the man who was not restrained by moral feeling, who lived by injuring society, and who was reckless of the consequences of a prison—for such was the nature of the workhouses, and such the punishment imposed by them, that imprisonment in common gaols was considered preferable—it was men of that description who availed themselves of the present system. That system had been greatly commended by a right rev. Prelate (the Bishop of Norwich), and who seemed to exult in what he termed the improved moral condition of the poor of his neighbourhood. Now he thought that the view taken of the subject by the right rev. Prelate might best be described by a fable. As the story went, it appeared that a bear for even that animal as well, perhaps, as a Poor-law Commissioner, might be at some time or other capable of entertaining some feeling of humanity and tenderness—had taken a lively interest in the fate of a man whom he had observed in a reclining posture basking in the sun. Finding him annoyed by a fly, this benevolent bear struck it with his huge paw, and killed it, but at the same time dashed out the man's brains. Such was the principle upon which the right rev. Prelate and the supporters of the present Poor-law seemed to act. Nothing, he contended, could be more injurious or unjust than to visit upon the whole body of labourers throughout the country—that most meritorious and valuable class of persons to whom they ultimately owed all they enjoyed or could possess—nothing could be more detestable in principle or diabolical in practice, than to visit upon them the punishment which was due to others, who, from the nature of their characters, had no claim upon our sympathy or relief. For his own part, he should never cease to pursue all legal and constitutional means to obtain a repeal of the present system of Poor-laws.

Lord *Brougham* had addressed their Lordships for such a length of time that morning upon a very different question, that he was too much exhausted to state what he should otherwise feel bound to do. His noble Friend besides tempted him to silence by promising him many other opportunities of expressing himself; but he regretted it, for he regarded those frequent exhibitions, of which his noble Friend had now afforded one, and of which he held out the prospect of more, as exceedingly prejudicial to the interests of the parties affected by the measure. That measure, having been once brought forward and fairly discussed, persevering in the discussion of it, repeating the same inflammatory and spirit-stirring language which his noble Friend knew so well how to employ, whether by his pen or in addressing their Lordships, he conceived to be inconsistent with that dispassionate inquiry and calm consideration which a subject so peculiarly calculated to excite, particularly demanded. He hoped his noble Friend's better sense and calm reason would teach him the propriety of abstaining from the contant and perpetual mooting of this question, as in doing so he could not effect any good result. In the discussion to-night, mention had been made of the Rev. Mr. Bull, in reference to whom, he had not been fairly treated by his noble Friend. He had stated, that although the rev. gentleman had been written to by the Commissioners twelve months ago, requesting names, dates, and places, no answer had been received from him. He was silenced at the moment by being told, that the rev. gentleman had not written to the Commissioners because he had sent an answer to a newspaper, and that having done so, it was to be supposed that the Commissioners saw it. But that answer was not worth the twentieth part of half a farthing. It was an answer, accounting in a very stupid way, and by very inconclusive reasoning, why he should not give an answer. He did not mention the name, time, or place, but gave a reason for not doing so, which was, that he would continue to refuse unless they (the Commissioners) did what they could not do, viz., anticipate the poor-rates for seven years, they having at the time but two years' purchase of them. His noble Friend also refused to specify name, time, or place, in reference to his correspondence. Now, when the communications of those anonymous correspondents, for so they were to all but the noble Lord, tended to slander the character of persons who were known, and by being made public to the world to injure the reputation of those persons, he thought the true course for his noble

Friend to take was, not having permission to mention the name of the concealed author, for the sake of justice towards the accused to withhold the accusation altogether. His noble Friend made great allowance for the slanderer, but none for the slandered. In speaking of Mr. Oastler his noble Friend had called him a respectable man; but if by respectable was meant a person who regarded the King's peace, and who considered that the poor, above all, were sure to be the first and greatest sufferers in a convulsion—if it consisted, amongst other things, in being a man who was adverse to the putting in jeopardy the lives of his fellow beings—if this constituted a respectable man, then was he bound, in his conscience, to withhold from Mr. Oastler this much valued and highly-prized epithet. The noble Lord read several extracts from speeches of Mr. Oastler, to show that he did what he could to agitate the people and excite them to violence. Amongst others, that Gentleman had stated that her Majesty's Ministers, in their crawling, dirty, shabby career, had gone too far, and were much mistaken if they supposed that they could cheat the inhabitants of the hills and vallies of their just rights, without meeting with some sudden attacks. Now, surely this respectable Gentleman did not mean by that, that her Majesty's Ministers would be attacked with apoplexy? Mr. Oastler had recommended the people to become acquainted with the figures of the Poor-law Guardians and other persons connected with the administration of that law, and concluded one of his speeches by saying, " the Poor-law repealed or war to the knife." Surely such language as this could not lead to any advantage; on the contrary, it was only calculated to excite and injure those for whose supposed benefit it was employed. The mode of granting relief had been complained of, but he was quite certain that to break through the rule requiring the paupers to enter the workhouse would be to break through the principle of the Poor-law Amendment Act. If the rule laid down were to be departed from, and the rule contended for by the opponents of the Poor-laws admitted, then out-door relief of the worst description would be again resorted to. To grant out-door relief in the manner proposed would amount, in fact, to paying wages out of the poor-rates, a mode of relief which had been so much and so justly complained of. If such a mode of relief were again resorted to, a door would be opened to all manner of abuses, and the consequences would be most injurious not only to the rate-payers, but to the poor themselves. He urged on his noble Friend to reconsider the course he was pursuing. The noble Earl said, that he was an enemy to the Poor-laws, and that he would wage an eternal war against them; but he would ask, whether it would not be better for the noble Earl to bring the enemy to a pitched battle at once rather than carry further his present system of warfare? The noble Earl had said, that he had turned away one of his tenants, not because that tenant became a guardian of the poor, but because, having an interest as landlord in the house where that tenant resided, he was afraid that, in consequence of that individual becoming a guardian, his property might be sacrificed. The noble Lord admitted, that his tenant had a perfect right to become a guardian if he pleased; but he was afraid of the excitement which the operation of the Poor-laws created, and that the moment a riot took place his house would fall before the indignation of the people. He hoped, however, that the noble Earl did not act on the same principle in regard to the Poor-laws; that he was not, by his opposition to the Poor-law Amendment Act, seeking to lay up for himself " the mammon of unrighteousness." He trusted the noble Earl was not guided by any such selfish consideration in the course he was pursuing in regard to that measure; that he was not seeking, by opposing the Poor-laws, to save his own property, should the riots he feared actually take place. No, he was certain the noble Earl was guided by no such motives. He knew the noble Earl acted conscientiously, and that he believed the course he was pursuing was the best; yet he hoped the noble Earl would reconsider the mode of opposition he had adopted. There was the enemy, the Poor-law Amendment Act, and the three kings, or the three despots, as they were called; and he would ask the noble Earl whether it would not be better to have a pitched battle with them at once? The noble Earl said, that he was unwilling to give up the names of those persons from whom he derived his information; but if their names were stated, then the Poor-law Commissioners would have an opportunity of inquiring into those cases which the correspondents of the noble Earl communicated, and if the result of that inquiry were not satisfactory, then the noble Lord could bring forward such cases as he thought deserving of attention, and, under such circumstances, he would come forward on much better ground, as their Lordships would then have something tangible before them. In his opinion, therefore, it would be better for the noble Earl to move at once for the appointment of a Committee, where all cases of complaint in reference to any part of the operation of the Poor-law Act could be brought, and where witnesses in regard to those cases could be examined upon oath. The supporters of the measure defied its opponents to have recourse to investigation before a Committee —they were ready to meet the opponents of the Poor-law on every particular in regard to the conduct of the Government, and of the Poor-law Commissioners; and all they asked for was, that specific charges should be brought forward, instead of vague generalities. If an inquiry were gone into, and if one case of oppression or of hardship was proved arising from the rules which had been issued, then let public indignation fall upon the Commissioners; and if oppression and hardship were proved to be general, then let that indignation fall upon the measure itself. If, however, the result should be different, or if investigation were refused, then the supporters of the Poor-laws had a right to expect that they would hear no more of general charges which it was impossible to meet. He hoped when the noble Earl next brought forward the question of the Poor-laws he would adopt a manly, open, and straightforward course, and adduce such specific charges as could be openly and fairly met.

The Bishop of *Norwich*, having been alluded to by the noble Earl opposite, wished to say a few words on the question before their Lordships. The noble Earl was not a guardian; he was an active guardian of the poor, and had given his best attention to the operation of the Poor-law Amendment Act. The noble Earl had never visited the places which he called prisons; he had done so frequently. He had lately visited the workhouse of a union in his neighbourhood, and had carefully investigated the condition of the inmates. He had asked the poor whether they had anything to complain of, and not a shadow of complaint was stated by any one. He had asked whether they were satisfied with their condition, and with the provision which was made for them, and the answer was invariably "Yes." And what was the result of the course which he had pursued? The poor of that union knew he was a friend to the Poor-laws, and shortly after he had visited the workhouse to which he had alluded he received unanimously the thanks of the poor. So much for those asylums which the noble Earl called prisons.

Lord *Wharncliffe* would not, at so late an hour, trespass on their Lordships' attention at any length in replying to the arguments which had been brought forward in the course of the debate. It had been argued, that there ought to be no departure from the rule which had been laid down for regulating the relief granted to the poor, but in his opinion it would be much better if a discretionary power were permitted to the guardians to grant outdoor relief in cases of emergency. It had been also stated that no names had been given of those complaining of the operation of the New Poor Law; but he believed that in every case the individuals complaining were willing to afford every opportunity to the Government to make inquiry in regard to such cases as they had communicated. It had been further said, that a full investigation ought to take place; and if the papers he had moved for should not prove satisfactory, or if the cases to which those papers had reference were not satisfactorily answered, then he should certainly move for the appointment of a Committee; and if that Committee were granted, he was persuaded, notwithstanding what had fallen from his noble Friend (Earl Stanhope), that he would not then refuse to give the names of those individuals who had communicated to him the different cases which his noble Friend had brought forward.

The returns moved for were ordered.

The Earl of *Radnor* said, after the length to which the debate on the motion of the noble Lord opposite had been carried, he would not enter at any length upon the subject to which the motion of which he had given notice had reference. There was was one point, however, on which he wished to say a few words. The great grievance was, that it was not permitted to adopt in the workhouses the diet table adopted in the workhouses in the city of London Union. Now, it would perhaps be some consolation to the opponents of the Poor-laws to state the substance of a communication he had received relative to the dietary of the Dudley Union workhouse. In that workhouse a number of the paupers fell sick, and a suspicion arose that their illness was simply dyspepsia caused by overfeeding. They were, in consequence, put upon spare diet; they were allowed no butcher's meat, and the effect was altogether miraculous; the number of sick dwindled from 130 to twenty. The noble Earl moved for certain papers relative to the dietary of the Dudley Union workhouse; and for other papers relating to other workhouses, for the purpose of showing the effect of the diet table generally adopted throughout the country.

Papers ordered accordingly.

HOUSE OF COMMONS,

Monday, March 26, 1838.

Minutes.] Bills. Read a second time:—Grand Jury Cess (Ireland); and Custody of Insane Persons (Ireland).—Read a third time:—Annual Indemnity.

Petitions presented. By Mr. Roche, Sir G. Strickland, Mr. Palmer, Mr. Brotherton, Mr. Hutton, Mr. Wilson Patten, Lord Sandon, Mr. Pendarves, Mr. Pemberton, and Mr. Lucas, a great number from various places, for the immediate abolition of Negro Slavery.—By Lord Sandon, from Building Societies in Liverpool and the vicinity, against the Small Tenements Rating Bill.—By Mr. Baines, from Leeds, for an alteration in the Factory law.—By Mr. Lushington, from Friends of Civil and Religious Liberty, against farther Endowments to the Church of Scotland.—By Mr. Thornley, from Stoke-upon-Trent, for Vote by Ballot, the abolition of the Rate-paying clauses, and the revision of the system of Registration.

Punishments and Rewards in the Army.] Viscount Howick moved the order of the day for the House to go into a Committee of the whole House on the Mutiny Bill.

The *Speaker* said, it was necessary to call the attention of the hon. Member (Captain Boldero) to a resolution passed at the beginning of the Session, that no motion could be brought on on Fridays or Mondays on moving the Orders of the Day, unless it had a direct bearing upon the question before it.

Captain *Boldero* was taken by surprise at the observations that had been made by the Chair. He had given notice, on his first taking his seat in that House, in the present Session, that he should move for leave to bring in a bill relative to military punishment. Some short time since, the noble Lord opposite (Viscount Howick) stated to him, that when the Mutiny Bill was brought forward, that would be the proper time for him to introduce his motion. He had waited till the bill was introduced, and upon that occasion the noble Lord had promised him that he should have an opportunity of bringing his motion forward when the bill was under discussion for a second reading. The bill had been read a second time when he was out of town and without his knowledge, and under such circumstances he trusted the House would not consider him out of order if he brought his motion forward now.

Viscount *Howick* thought, that the hon. Member had not taken a correct view of what had really taken place. The fact was, that the Mutiny Bill had been read a second time without discussion, upon the understanding that the discussion was to be taken upon the bill in Committee. The hon. Member, therefore, had lost nothing by the bill being read a second time. With respect to the objection now taken, he would respectfully ask the chair whether the resolution of the House did not arise more with respect to the reading of the order of the day than bringing such subjects as those involved in the notice of the hon. Member under discussion. He presumed that the House had now agreed to the reading of the orders of the day for the House going into Committee on the Mutiny Bill. For his own part, he had no objection whatever to the hon. Gentleman making his motion, provided he could do so consistently with the rules of the House.

The *Speaker* said, that his reason for mentioning the subject was, that the present was the first case of the kind that had occurred. He only wished that the House should come to some clear understanding upon the question for his own guidance.

Lord *John Russell* said, the Speaker had, no doubt, stated the case very properly, but he (Lord John Russell) had always intended that the hon. and gallant Member should bring on his motion upon that stage of the bill. He had no objection to the motion being proceeded with, and perhaps the gallant Gentleman might frame his motion in some other shape. Suppose he was to move an instruction to the Committee to postpone the punishment clauses; in such a case he might effect his object, and at the same time avoid coming in collision with the rules of the House.

Sir *Robert Peel* said, the proposition of the noble Lord was so preposterous and ridiculous that it could not for a moment be entertained. Perhaps the noble Lord would allow the original motion to be brought on, as it was impossible that the House could agree to an instruction to the Committee to postpone the Mutiny Bill until some other Committee had reported.

Mr. *Goulburn* said, the motion of the gallant Member was perfectly analogous to the subject which was before the House.

The *Speaker* said, the reason why he had called the attention of the House to the subject, was, it having struck him that great difficulty must necessarily arise by entertaining a motion which might delay the passing of the Mutiny Bill. It was for the House to determine whether it considered the motion of the hon. Member (Captain Boldero) was strictly analogous with the moving of the order for going into a Committee on the Mutiny Bill.

Lord *John Russell* wished only to observe, that he considered they ought to adhere to the ancient rule of the House, which was, that when the question was put that the Speaker do leave the chair, any motion made ought to have a direct bearing on the question at issue. He thought it was according to the ancient rule of the House, that after the question had been put that the Speaker do leave the chair, no motion be made which had not a direct relation to the bill which was to be committed. He would not now object to the motion of the hon. and gallant Member being brought forward on this occasion, because he considered it as having a direct bearing on the main question.

The *Speaker* put the question, "that I now leave the chair;" upon which—

Captain *Boldero* rose to bring forward his motion respecting rewards and punishments in the army. A commission had been appointed on this subject, and composed of hon. and intelligent men. But none of its members appeared favourable to the abolition of corporal punishment, nor was any medical witness named except one, and he not upon the general question. This commission recommended several alterations in the system of military punishments; and he (Captain Boldero) moved on this occasion for a Committee to consider whether these alterations had been beneficial to the army. Let the House compare the system of punishment now carried on with that practised ten years ago. Then a crime was visited with 1,000 lashes which now was punished by only 200. Public opinion was decidedly opposed to that cruel and revolting punishment, and severa military friends of his took a great pride in carrying on discipline by milder means. He now asked the House for a Committee to ascertain whether a substitute could not be found for corporal punishment. When they looked round and saw the vast improvements that had of late years taken place in their civil and political relations, it surely might be thought judicious to extend these improvements to the military department. As a military man he was conscious of the importance of maintaining discipline. An army without discipline was an ungoverned mob in time of peace, and in time of war was liable to all excesses. Punishments must bear a relative proportion to the crime committed. A prisoner punished for a crime in excess received the commiseration of his fellow-men, and that proved that all punishment ought to be founded upon the fundamental principles implanted in the human breast—mercy and justice. It had often been asked why the British soldier, who was certainly the best in Europe, was the only one who was subjected to the punishment of the lash? The fact was, nine-tenths of the crimes in the British army arose from drunkenness; but did no other soldier drink? Certainly, the German soldier drank deeply, but there was generally a glimmering of reason left in him. The French soldier drank to a certain extent—he drank to a limited degree, and it was very rare that a French soldier was to be seen drunk. The British soldier drank till he was beastly drunk, all his reason flew from him. What was the use of punishment to a man in a state of intoxication? Punishment had no effect on him whatever. The more the punishment, the more the crime; the less the punishment, the less the crime. What is the best punishment for a drunkard? The best punishment for a drunkard, as experience had shown, was to take him away from the companionship of his dissipated fellow-men—to keep him in prison; and that sort of confinement had been proved to have a better effect on the disposition of men than all the stripes that could be inflicted.

He saw an hon. and gallant Officer, the Member for Westminster, seated opposite to him. He presumed that he should have the gallant Officer's vote on this occasion, especially as he intended to limit his inquiry to the possibility of finding a substitute for flogging in the home service during time of peace. That hon. and gallant Officer had been in command since he had last given a vote on this subject, and had, notwithstanding his previous votes in that House, carried flogging into execution to a great extent in an army in the field. He must candidly confess, that he did not like the quantity of flogging which had occurred in the British Legion; but perhaps the hon. and gallant Officer had found it impossible to do without it in the presence of the enemy. He had himself on a former occasion voted with the hon. and gallant Officer for the total abolition of flogging in all cases; but he was now inclined to retract that opinion to a certain extent, upon the authority of the hon. and gallant Officer, who had found it necessary to recede from his former opinion. He believed that the hon. and gallant Officer while in command in Spain, considered himself bound, by certain stipulations which had been signed by himself. One of those stipulations was, that the corps under his command should be governed in the field in conformity with the British military articles of war, and that in matters not connected with military discipline they should be governed by the laws and discipline of Spain. He would mention the system, which he understood the hon. and gallant Officer had pursued in Spain, and if he were wrong, the hon. and gallant Officer would have an opportunity to correct him. The hon. and gallant Officer had given out an order that all provost-marshals should be empowered to inflict summary punishment on the breech to the amount of two dozen lashes. He thought that that was contrary to the British articles of war. But the order proceeded to enact that the provost marshals must themselves see the offence committed, or have it proved to them on the evidence of competent eye-witnesses. Now, that was positively contrary to the articles of war in the British service. Our articles of war distinctly stated that the provost marshals must themselves see the crime committed before they ventured to inflict summary punishment. If they learned from the evidence of other persons that the crime had been committed, they had no more power to punish the individual committing it than the hon. and gallant Officer had to punish summarily any captain or subaltern under his command. In such case a report must be made of the circumstances to the commander in the field, who was authorised to deal with it as he might think the exigences of the service required. The hon. Member quoted the articles of war on which he relied, and requested the House to contrast them with the orders issue by the hon. and gallant Officer opposite. He thought, that by issuing that order, the hon. and gallant Officer had placed himself in a very awkward predicament. He hoped, however, that he would be able to get over it To show how greatly this system had been abused, he read an extract from a recent publication of Brigadier-general Shaw, of the Legion, in which he stated that, "neither the officers nor he, approved of some regiments being punished, at the discretion of the subalterns, as several of the subalterns had a less idea of soldiering than the men they punished." Before punishment was inflicted for any offence, the provost-marshal ought to have seen with his own eyes the commission of the offence, and yet, in spite of that regulation of our service, the hon. and gallant officer had allowed every captain and subaltern under his command to punish offenders at pleasure. He saw that the hon. and gallant officer had his own orders in his hand. The hon. and gallant Officer had also the Mutiny Act near him, on the table, and he defied the gallant Officer, with all his ingenuity, to show, that he had not, whilst in Spain, violated the British articles of war. He would now take the liberty of putting a question to the hon. and gallant Officer, to which he hoped to receive an answer. If he were in the position of the hon. and gallant Officer, he should feel obliged to any Gentleman who would put to him the question which he was about to put to the hon. and gallant Officer. He had seen it reported in the newspapers, and hitherto the report had remained uncontradicted, that the provost-marshal appointed under the command of the hon. and gallant Officer had exercised his summary power of punishment to such an extent that he had even punished a woman upon the breech. He asked the hon. and gallant Officer, face to face, whether that were so. He did not accuse the hon. and gallant Officer of having authorised that punishment himself. He well knew that the hon. and gallant Officer was a man of too much humanity to have authorised any such thing. But what he wanted to know was this: "Has the provost-marshal abused his power of summary punishment to the extent of flogging a woman on the breech?" He was bound to put these questions to the hon. and gallant officer, because when his hon. and gallant friend had adverted to this subject in a former debate, the answer of the hon. and gallant Officer did not appear to him to be at all satisfactory. He asked for a Committee in order to prove, that the present system of military discipline was bad, and that it might be greatly improved. The paucity of rewards to the deserving soldiers was one of its chief defects. No troops were more sensitive to a feeling of military honour than those of Britain. The present system of enlistment for life, condemned men to a slavery from which there was no prospect of a release. He was strongly in favour of confining the term of enlistment to twenty-one years, which would materially alleviate the lot of the privates, and hold out a probability of retirement after their long period of laborious service. He regretted, that the policy of our Administrations for some time back should have been rather to extort from the soldier the greatest possible amount of service at the smallest possible remuneration, than to encourage merit and long service by judiciously apportioned rewards. On a former occasion he had mentioned, that, under the new regulations framed by the noble Secretary at War, a soldier, getting his discharge at the end of twenty-one years' service in the infantry, and twenty-four in the cavalry, was entitled only to a pension of 6*d*. a-day instead of 1*s*., as formerly. The noble Lord had said he laboured under a mistake, and he was not at the time enabled to prove that he was right, but he now held in his hand the warrant of the late King, from which it appeared, that the pension of privates after that term of service was not to be less than 6*d*., nor more than 1*s*. The soldier's actual right was only to 6*d*., and it was almost impossible that a man could perform all the acts of duty required from him before he could receive 1*s*. It was his firm conviction, that, by a well-regulated system of rewards, and by increasing the comforts of the soldiers, corporal punishment might be dispensed with in time of peace; and in confirmation of that view, it was stated in the report of the commission, that there were some regiments in the service in which, by the prudence and skill of the commanding officer, and his kindness to the soldiers, it had been virtually abolished. One of these officers, the distinguished colonel of a regiment, and well known to the hon. and gallant Member for Westminster, had done away with the use of corporal punishment in his own corps for a considerable time; he afterwards went out to Spain with the hon and gallant Member, where he witnessed punishments so severe that he was obliged to close his eyes during their infliction. A gallant General opposite, eminent for his services, had said, that he was willing to consent to the abolition of the present degrading system of punishment if an efficient substitute for it could be found; he believed that an efficient substitute could be found, and he, therefore, hoped for the aid of the gallant General on the present occasion. It was impossible to describe the revolting nature and corrupting effects of the punishment of the lash; death had frequently been found to follow the execution of a sentence, and it often happened that mortal wounds gave less pain than was inflicted by a single stripe. He called on them to abolish this barbarous and brutal torture, and show to the continental nations that British soldiers could discharge their duty with equal fidelity under the impulse of more ennobling motives than that of terror. He begged to move for a Select Committee to inquire into the state of military punishments and rewards now in force throughout the British army.

Colonel *Davies* should oppose the motion for this simple reason, that a Committee had already inquired. That Committee had every species of evidence before it which could, by any possibility, be obtained; and he, therefore, did not see that any good result would follow the appointment of another Committee. He thought that the experiment of abolishing altogether corporal punishment could not be safely made. The want of some such discipline had often been severely felt in the French army. When Massena retreated from before the lines of Torres Vedras, the track of his soldiers was marked by burning buildings, and he had heard the French people often declare, that they suffered less from the passage of the British army than from their own troops. For these reasons he should hesitate to vote for the total abolition of corporal punishment. He thought, that, if commissions were reserved for soldiers who had served ten or twelve years in the army, the character of the soldiery would be improved; and placing before them the prospect of such a reward would go much further to reform them than such motions as the present.

Mr. *Poulter* said, that he felt bound to vote for the motion, as he was most anxious that inquiry should take place on this most important subject. He was desirous to introduce a better spirit into the army, and to give the soldier some motives for good behaviour, and some object of ambition. He was afraid that such a system had never been fairly tried. It had been attempted to connect the unfortunate punishment of flogging with the glorious achievements of the British army. He contended that these achievements were owing to a very different cause. They were owing to the high and generous feeling, and the natural superiority of the British troops. His hon. and gallant Friend had been charged with inconsistency on this subject. Now, he could see nothing inconsistent in his gallant Friend declaring his opinion on the hustings, and voting according to that opinion for the abolition of corporal punishment, and departing from this strict rule when placed at the head of a body of undisciplined troops. His hon. and gallant Friend must either have done so, or abandoned all hope of disciplining his army. He would vote for the motion of the hon. and gallant Member, because it was, he thought, the last hope of getting rid of a punishment which was odious in the sight of the whole British people.

Sir *H. Vivian* said, that having frequently on former occasions given his opinion on this subject, he would enter upon it now as briefly as possible. Before, however, he entered upon the subject at all, he must express his deep regret that the hon. and gallant mover should have taken this opportunity to make an attack on his hon. and gallant Friend (Colonel Evans.) Whatever might be the justice or injustice of that attack, this was not the time for making it. He thought, from all the opportunities he had of learning the facts from his hon. and gallant Friend and other officers, that although corporal punishment might have been occasionally, and, if hon. Members opposite chose, he would say frequently, had recourse to by his hon. and gallant Friend, yet looking at the extraordinary situation in which his hon. and gallant Friend was placed, and the difficulties with which he had to contend, he must say, that his hon. and gallant Friend had brought the Legion into a very tolerable state of discipline, with, perhaps, a less degree of punishment than had ever been inflicted under similar circumstances. The hon. and gallant Member for Chippenham had referred to the 101st article of war, in order to show that his hon. and gallant Friend had exceeded the powers given to him. Now, he thought that there would be no difficulty in showing that his hon. and gallant Friend had exceeded the powers given by that article according to the strict sense of the law. But these powers had been exceeded by every British army that had ever taken the field. The hon. and gallant Member admitted, that the provost-marshal had the power of life and death; but he added, that it was not certain whether he had this power under circumstances where a report was made that a man was guilty of an act of plunder. He had seen two instances—one where a man was shot, and the other where a man was hung, because they were reported to have been guilty of acts of plunder. He would say a few words upon the subject of corporal punishment. He perfectly well knew what a degree of odium attached to any man who ventured to say, that corporal punishment could not be done away with. He had been as desirous all his life of doing away with this punishment as any of his brother officers, and in his orders to the army he had so expressed himself. He would take the liberty of reading an extract from the general order which he issued when he first assumed the command of the army in Ireland:—

"The experience of the lieutenant-general has convinced him that nothing destroys the effect of this species of punishment so soon as its familiarity; and, however appalling it may appear in the first instance, the frequent recurrence of it is equally fatal in the end, to discipline, as well as to that high moral feeling upon which the professional character of armies and regiments can alone ultimately depend. By a judicious exercise of the powers so vested in them, there can be no doubt that the necessity for corporal punishment may in a great degree be avoided, more especially if accompanied by the strictest possible attention on the part of officers to the duty of the interior. The lieutenant-general has ever considered that the man who at an early age quits his home, his family, and his friends for the service of his king and country, has a right to claim from those under whose command he is placed, an anxious endeavour to promote his happiness and welfare. The captain, or officer in command of each troop or company, stands to the soldier belonging to it in the relation of a parent, and should consider himself called upon, as far as lies in his power, to fulfil the duties of one. The habits, the temper, the wants, and even the wishes of every man confided to his charge should be attended to, and, as far as possible, consulted. If well conducted he should be indulged, if otherwise he should be restrained by such preventive means in the first instance as a wise and well regulated economy affords; and, above all, by the additional moral influence which a sense of justice and a feeling of attachment cannot fail to supply. It is, as far as possible, to the ascendancy of these means, and of this influence, that the lieutenant-general desires to see the troops under his orders indebted for their discipline, as well as for their happiness, and he feels persuaded, that the power to be acquired by the exercise of these principles, is infinitely more certain and more durable than any which fear or intimidation can confer. When this power shall be found ineffectual, punishment, of course must follow; but even then the application of it should be governed by a wise discrimination, and by the circumstances of the case, as well as by the character and general conduct of the offender. By such a system, under which the strongest incentive to good conduct in the minds of the non-commissioned officers, and men would arise from a principle of attachment to their officers, a high sense of honour in themselves, and a pride in upholding the character of their respective corps, Sir Hussey Vivian is convinced, that the highest state of discipline may be maintained. It is with these feelings, and in this persuasion, that he earnestly directs the attention of officers in command to this most desirable object, assuring them, at the same time, that it will afford him the greatest satisfaction to find, that whilst the high character already acquired by the troops in Ireland, has been preserved, the frequency of corporal punishment has been diminished."

This had always been his feeling with respect to corporal punishment, and upon this feeling he had always endeavoured to act, and he trusted he always should continue to act. The hon. and gallant Member who introduced this subject, stated that in many instances corporal punishment had been done away with, and no harm had followed. He rejoiced to find that corporal punishment had been very much reduced, and he should be delighted to see the day when it could be done away with altogether. He would, however, on this subject take the liberty of reading a return of the number of punishments that had taken place while he had the command of the army in Ireland:—

"In 1831 (the first year), in an army of 22,373, the number of corporal punishments was 254, the number of desertions 182, and the number of persons imprisoned 673. Whilst in 1834, the army having been raised to 23,948 men, the number of corporal punishments was 154, the number of desertions 397, and the number of persons imprisoned 1,532."

There was no question that the effect of doing away with a summary mode of punishment had in many respects led to acts which they all must sincerely deplore. For instance, the number of men that deserted from regiments ordered on foreign service was at this moment much greater than ever. The soldiers knew perfectly well that if they deserted they would be brought before a court-martial and sentenced to imprisonment, and they would thus attain the object for which they deserted, and avoid being sent on foreign service to the West Indies, or some other place. From twenty-five to thirty men deserted from every regiment that was ordered on foreign service; but this took place, though in a less degree, when recourse was had to corporal punishment. Another crime which had increased much of late was a want of respect and obedience towards non-commissioned officers. What punishment was to be inflicted in place of corporal punishment? Was it imprisonment in the Penitentiary? The hon. and gallant Captain said, that that place was too comfortable, and that the prisoners there had nothing to complain of, and of course imprisonment there would not be a punishment. Was the soldier, then, to be imprisoned in the common gaol alongside of a felon? If corporal punishment was degrading and disgraceful, he thought that such a punishment in such company was much more degrading and disgraceful. During the whole time that he held the command of the army in Ireland he had found solitary confinement produce the worst possible effect. Those who were thus punished became sullen and dogged, and they generally came back in less than six months. What, then, he would ask, was to be the substitute for corporal punishment? He would go any length to find a substitute. Of late, since discussions of this nature had become common, feelings had arisen in the army which did not formerly exist. He thought that the good soldier would rather see the man who disgraced the corps punished by the lash than to have him sent to prison, the consequence of which was that the good soldier was himself punished by having to perform a great amount of duty, as the service of any soldier imprisoned was so much lost to his fellow soldiers. He thought there would be great difficulty in finding a substitute for corporal punishment. He knew and could mention many instances of persons having risen to commissions who had received corporal punishment. There was one, in particular, whom he met a few months since. This fellow was a very bad soldier, and twenty-five years ago was brought by him to a court-martial which sentenced him to 150 lashes. This man, who had since become an officer of excise, told him that he had been the saviour of him. He could state other instances, and amongst others that of one of the bravest fellows on the face of the world, who, after receiving corporal punishment, obtained a commission for good conduct, and fell at Waterloo. He was anxious to abolish corporal punishment, but the difficulties in the way of doing so were so great that he could not see his way out of it, and how at the same time the discipline of the army could be preserved, for an army without discipline was as formidable to its friends as to its enemies. If these difficulties could be got rid of, he would go heart in hand with the hon. and gallant Member in doing away with corporal punishment. He should be extremely glad if any means could be taken to raise the character and position of the soldier in the British army. He should like to see the soldier placed in the situation in which the policeman in Ireland was placed, so that it would be a punishment to him to be discharged. If this could be done they might get rid of corporal punishment altogether. The police of Ireland consisted of 7,000 of the finest men on the face of the earth; and, during the time he had been in Ireland, he could say, that he had never seen a drunken policeman. Why was this? Because these men were in a situation, to be discharged from which would be a severe punishment. Were they prepared to do this for the soldier? Were they prepared to meet the additional enormous expense? Looking at the situation of the British army, and looking at the colonies which they had to take care of, he would ask, was it possible to place the soldier in such a position? He should be glad to find some effective substitute for corporal punishment, but until this was done he should be very sorry to see the power taken from the officers, whilst, at the same time, he was at all times desirous to curtail that power, and he was ready to go heart and hand in any mode of doing away with corporal punishment if the means could be found. On all these grounds, and feeling that any discussion of this subject was more likely to do mischief than good, giving rise to unfounded notions in the soldier, he felt bound to vote against the motion.

Mr. *Hume* was very sorry, that the hon. and gallant Officer who had just sat down, while he professed himself anxious to find a substitute for corporal punishment, refused to vote for an inquiry the object of which was to discover such a substitute. It appeared to him that the hon. and gallant Officer, while he was anxious to do away with corporal punishment, stated rather strangely, if he (Mr. Hume) interpreted him rightly, that the result of the abolition of severe corporal punishment had been to render crimes much more numerous. If inquiry were granted they would, in all probability, find some good reason for this. The hon. and gallant Member for Worcester (Colonel Davis) said, that they had had inquiry already, and that further inquiry was unnecessary. The hon. and gallant Colonel might not recollect that since that inquiry there had been a great change, a system of rewards and a variation of punishments had been put into operation; and he, for one, wanted to know what had been the effect of that change, and whether it had been beneficial or prejudicial? He was clearly of opinion, that it would turn out that this new system had not been tried sufficiently. The hon. and gallant General (Sir H. Vivian) said, that no good could arise from inquiries and discussions on this subject. He (Mr. Hume) recollected the day when it was thought impossible to do without ten times the present quantity of corporal punishment; but, in consequence of the discussions in that House, and the effect produced on the public opinion, a great change had taken place. That change had been much for the better, but he still thought that a greater change ought to take place. He would support the inquiry proposed by the hon. and gallant Member for Chippenham, because he hoped it would discover the means of dispensing with corporal punishment entirely in time of peace, if not in time of war and in the face of the enemy. He would ask, then, why the House should refuse inquiry? It was his intention to move for returns to show, what had been the state of punishment in the army since the last return, how many men had been flogged and how many imprisoned, and also how many had been promoted, as a means of rewarding them. One of the objects of the Committee would be, to see to what extent the system of rewards had been tried, whether it had been applied equally to every regiment, and whether the effect of it was good or bad? Such an inquiry would be, in his opinion, exceedingly salutary. The hon. Member concluded by stating, that he should support the motion, and that he should regret very much if the inquiry sought for was refused by the House.

Mr. *Pemberton* said, that the inquiry before the select Committee in 1834 upon this subject had brought him to the conclusion, that it would be utterly impossible, consistently with the safety and discipline of the army, to abolish the use of corporal punishment. He entirely concurred in the forcible expression of the Secretary at War, who on that occasion said, "If you abolish coporal punishment you had better disband the army altogether." With this conviction he could not but think it highly inexpedient and dangerous, that the subject should again be brought under the discussion of the House. It was not his purpose, therefore, on the present occasion to enter upon the merits of the question, but chiefly to offer a few observations on a point of law stated incidentally to the present debate by the hon. Baronet, the Member for East Cornwall, and in reference to which he thought it highly desirable, that the Law Officers of the Crown should express their opinion to the House. He certainly had understood the hon. and gallant Officer, the Member for Westminster, when on a former occasion he made so temperate and, if he would permit him to add, able defence of his conduct in reference to the affairs of Spain, to challenge Gentlemen on this (the Opposition) side of the House to bring forward any grounds of charge against him, and he could assure the hon. and gallant Officer, that in whatever he might now be about to say, he had no intention of treating the subject as one bearing personally on that hon. and gallant Officer, but as a question of principle of vital importance to our army. He would not pretend to say to what extent the corporal punishments in the Legion were justified by the circumstances of the case, nor would he speak of that army in the terms which had been sometimes applied to them, such as the "offscourings of society," and so forth. His observations would have reference solely to the mode in which corporal punishments had been administered amongst that body of troops. He thought it was no more than due to those who did not shrink from the unpopular responsibility of maintaining the power of corporal punishment in the army, that they should know whether the law did not limit as well as justify that mode of punishment; and whether or not the construction which the Master-General of the Ordnance had put upon the 101st article of war was the construction which the Law Officers of the Crown considered the true and real construction, and such as the officers commanding her Majesty's forces would be justified, and, if justified, bound to adopt? In this point of view the question was one of importance whether the course pursued by the hon. and gallant Member for Westminster in Spain had been consistent with the British articles of war. He thought that an explanation of this kind was due also because the hon. and gallant Officer had been selected by her Majesty's Government for a signal mark of favour in a decoration which had been looked forward to with desire and ambition by many much older officers in the service than that hon. and gallant Officer. This, he thought, was clear in the career of the hon. and gallant Officer, that fortune had not smiled upon his labours, and that, whatever other merits he might lay claim to as a commander, he could nor claim the merit of success. It was important, therefore, that the House should know whether her Majesty's Government considered the conduct of the hon. and gallant Officer in the particular instance that had been referred to had been consistent with the articles of war, and, if not, whether they considered the deviation from them so trivial a circumstance as to be unworthy of the slightest consideration? For his own part he must say, he could not understand how the Master-General of the Ordnance could raise a doubt as to the construction of the 101st article of war. He would ask whether it was not one established point in the provost system, that the provost-marshal should punish of his own authority only those offences of which he was an eye witness, and that he had no power to punish any other offences under directions received from any officer below the general officer? Was it not a further limitation of the system, that it was only when the troops were in the field or on a march? Now, he presumed, that no one would pretend to say, that troops in a garrison which was not in a state of siege were contemplated by the Act which limited the provost system to troops in the field and on march. He believed, that the provost-marshal could only inflict the punishment of death in circumstances contemplated by the Mutiny Act itself. He had always understood also, that the person who filled this post was always selected from amongst the non-commissioned officers or privates, and never from superior officers. The whole of the powers of the provost-marshal, as defined by the Act, were, "To preserve good order in the field and to prevent breaches of order, and to punish on the spot, and on the same day, those whom he might find guilty of such misconduct, provided that the punishment be limited by the necessity of the case, and by the orders received from the general officer in the field." But, in respect to offences which the provost-marshal did not see committed, it was provided, that the "provost-marshal should report the circumstances of the case to the commander of the army in the field, who was empowered to deal with the case as he thought the circumstanc required, and as might seem most conducive to the maintenance of the said order." So that it appeared that if the provost-marshal did not see the offence committed he had no power to punish it, but only to collect and report the evidence to the general in the field, and, further, that he was not authorised to receive orders from any officer inferior to the general-in-chief. He (Mr. Pemberton) did not wish to impute to the hon. and gallant officer any inclination to the exercise of unnecessary severity, but he declared that no one who had read his general order of August, 1835, and this article of war could admit that they were consistent with one another. The hon. and learned Gentleman read a passage from this general order, as to the appointment of provost, who should "be liable to receive orders from general and staff officers." Now, he believed that these terms were so comprehensive that a captain commanding a company would be within the definition. On a former occasion the language of the Duke of Wellington has been quoted, expressive of the opinion that the provost system was not sufficiently extensive and operative. But surely if those who quoted this authority were to reflect a little upon it they would see that so far from its justifying the order of the hon. and gallant Officer, it was a strong evidence against it, for even the Duke of Wellington, when the fate of his army depended on its discipline, and the fate of Europe depended on his army, did not think himself competent to depart from the letter of the law, and reprehended the conduct of officers in issuing orders to the provost-marshal. He would just beg the attention of the House to a passage from a general order of the Duke of Wellington in 1811, which he would now read:—"The commander of the forces is concerned to learn that the powers of the provost marshal have been in more than once instance abused, and that officers have thought themselves authorised to send orders to the provost, under whom abuses contrary to the established orders and regulations of the service have been committed." He hoped that the Judge Advocate would tell the House, in the course of the evening, whether the construction of the hon. and gallant Member for Westminster's order of August, 1835, was in his opinion consistent with the articles of war. For his own part, he must repeat that in his opinion the observations of the Master-General of the Ordnance in reference to this order and the 101st article of war were wholly irreconcilable.

Sir *H. Vivian* rose to explain. We understood him to say, that he had never seen the orders of the hon. and gallant Officer in Spain; and that what he had said was, that he thought that upon scrutinising the matter it might be found that similar cases of punishment had sometimes occurred in our own army, and that he doubted whether, under the circumstances, they would not be justifiable by the articles of war.

Sir *A. Dalrymple*: with respect to the provost system, declared his opinion that the duties of the provost-marshal were never intended to enforce military discipline. There were attached to all armies men who were not soldiers, and who in the field were under the authority and inspection of the provost-marshal. He was authorised to punish them when found thieving or marauding; but to punish a man under arms by the provost-marshal, he would take upon himself to say was a thing unheard of in the annals of war. The subject was one of considerable importance, as it involved a most dangerous precedent. He declared again that to bring man up to the provost for not doing his duty on parade was a most abominable and degrading mode of proceeding.

Sir *G. de Lacy Evans* said, that every thing regarding the Legion had been made the subject of great exaggeration throughout the country; he was sure hon. Gentlemen opposite would themselves admit this. It had been alleged, amongst other things, that the flogging which had taken place in the Legion had not conduced towards the better discipline of the corps. This was one of those calumnies to which he had referred, and which was wholly unjustified by the fact. In the comments which had been made by hon. Gentlemen opposite on the subject of the provost system in the Legion, every one had omitted all reference to the great difference between the powers of the provost-marshal in the Legion in Spain and in the British army. In the Legion his power was of the minimum extent, whereas in the British army, by virtue of the Mutiny Act, the provost-marshal was endowed with an enormous and frightful responsibility. If, therefore, the Legislature were to think proper to inquire into this subject, he trusted the distinctive circumstances of the case would be remembered, and the inquiry be conducted with vigilance and candour. The powers of the provost in the Legion were of the most trivial kind, and extending only to what might almost be termed schoolboy punishments. There was one charge against him which had been made pretty good use of during the last general election, namely, of his having caused some women to be flogged. This charge had been pretty freely circulated through the public prints at the period he referred to; but he could hardly be expected to answer in print all the attacks which might be made upon him, who was one of the most humble individuals who had ever been in military command. Now, with respect to the circumstances alleged, he had never heard of any such thing until he saw the matter stated in the newspapers at nearly the end of the term of his service. He believed that there were only two cases of the kind mentioned. In one of them the officer said to have committed this outrage, as indeed it would be termed, if the circumstances were as related, was dead, and therefore no inquiry could be instituted; and the officer concerned in the other case had been since, he believed, cashiered. The alleged transactions had taken place a year previous, and under the circumstances it had become impossible to inquire into them. All he could now say, was, that he was not prepared to say whether such punishment as reported had been inflicted on women belonging to the legion or not; but that whether it were so or not, he repelled with scorn the imputation that it was under his sanction or authority that it took place. Soldiers' wives were often found very difficult to restrain in their conduct, and he believed that in the Peninsular army it had been found so, and that in consequence it had been found necessary to inflict punishment of some slight kind upon the offenders; for which, perhaps, there had been no better authority than for the cases now referred to. With respect to the articles of war in reference to the provost system, the hon. and gallant officer who had just spoken seemed to think, that the power of the provost-marshal was confined almost exclusively to followers of the army, and not to the soldiers themselves. In this view of the case, he thought the hon. and gallant officer was mistaken, as appeared by the words of the act itself, and which were, "to prevent breaches of order by soldiers and followers of the army;" and then the article went on, "provided the punishment be limited by the necessity of the case, and, in accordance with the orders received from time to time, from the officer commanding in the field." He thought, that these words evidently gave great latitude and discretion to the officer commanding in the field. It was true, that by the articles of war, no officer under a commander-in-chief, had the power of inflicting capital punishments; but he maintained that it was no breach of these articles to give a power of punishing offences which were not of a capital nature to officers commanding brigades or regiments. To suppose that a corps, such as he commanded, could be regulated with as strict an adherence to discipline as was observed in a regular army, was a fallacy which conveyed a manifestly unjust imputation. He only acted in compliance with that discretion allowed to every commander-in-chief by the articles of war, when he was directed to act in such a manner as under all the circumstances of his situation, seemed most conducive to the suppression of crime. It had been admitted, that abuses had existed in the army, which was under the Duke of Wellington's command. Every military man must know that abuses, especially in the field, must prevail, more or less, in every army. He had no doubt, that abuses took place in the legion, but all he could say was, that when they were reported to him, he inflicted such punishment as the nature of the service, and the situation of the force, admitted of his imposing with discretion and propriety. He recollected that of three cases which were reported to him officially, two officers out of the three were obliged to leave the service. From the nature of the service, from the disadvantages of having only a few experienced officers, and no non-commissioned officers, on whom in so large a degree the discipline of a military force depended, he was left entirely to the control of the few officers commanding brigades and regiments. They who looked with so vigilant an eye to all his proceedings would perhaps have found it extremely difficult to act under such circumstances, as those which he had described. They must soon have admitted what a herculean task it was for those in command to mould at once, and to subdue to discipline and order, men who were never before accustomed in the slightest degree to the observance of any military regulations. The difficulty of accustoming the men to habits of subordination and regularity was rendered all but insuperable by the attacks of the press of this country, and the schemes of the emissaries of Don Carlos. As to the charge of inconsistency, between his opinions expressed in that House, and his conduct in the command of the Legion, he thought he was much less exposed to such an imputation than hon. Gentlemen opposite; for so far from desiring to limit the power of inflicting corporal punishments, which was reposed in the commander, he had always contended, that it should be as full and unrestricted as possible. The question of his consistency was, however, one to be decided by his constituents, and he had received their acquittal by a majority of 1,100 votes. There was, however, no inconsistency whatever between his conduct and his opinions, for he had stated in his evidence, in common with many other gentlemen, that he did not see the possibility or expediency of abolishing corporal punishments. On the contrary, he thought it impossible to carry this proposal into operation abroad, until the experiment was tried on the home service. With regard to the higher punishments, he had endeavoured during the period of his command to commute them. He had been continually remonstrated with by the officers under him, on the necessity of making an example, by inflicting in some instances a punishment of a more severe character. The fact then was, that an understanding had been come to between his officers and him, that the provost system should be extended, while punishments of a more harsh description, were laid aside. The only question was, whether the power of inflicting these lighter punishments, should be intrusted to officers commanding regiments and brigades; and when full authority was conferred on the commander, for the purpose of establishing discipline, he did not see that any serious grounds of accusation had been established against the course which he had adopted. Two court-martials had taken place in Bilbao—one for mutiny and insubordinate conduct, and the other for stabbing. The offenders were both punished by imprisonment and hard labour. There was a vast distinction between the power exercised in the British army, and that observed with regard to the Legion, and he felt most happy in being enabled to say, that his experience during the latter service enabled him to support the motion which was now made. So far from thinking severe punishments indispensable, he had arrived at the contrary conclusion, and it gave him great satisfaction to state, that however his conduct might be traduced, he was the only person who held a chief command without being driven to the necessity of resorting to capital punishments. It might be said, that a feeling of doubt as to his justification in law had restrained him. He did not know whether that species of argument would be used against him; he was satisfied that it was unfair; for, supposing he was restrained by doubts as to the military law concerning subjects of this country, he could have no such fears as to the natives of other countries who fell into his hands, and were in various cases amenable to capital punishments if he wished to enforce them. If, then, he had, as to the provost system, exceeded the strict practice of a regular army, he was at least entitled to the credit of having commuted all severe, and abolished all capital, punishments in the force under his command. He was not aware of anything more with which he ought to trouble the House, except to say, that he most cordially supported the motion of the hon. and gallant Gentleman opposite.

Sir *H. Hardinge* said, that although he had the misfortune to differ on many points from the hon. and gallant Officer who had just sat down, he was satisfied, that in arriving at the resolution to which he had come, of not inflicting capital punishments, he was actuated by the dictates of humanity; and in any observation which he should make on the conduct of the gallant Officer, he wished to be understood as not at all imputing to him tyrannical motives, however much he condemned the provost system which the gallant Officer had adopted, as despotic and illegal. It was his misfortune to differ from the gallant officer; but, from his former acquaintance with the gallant Officer's conduct, and from his character, he felt bound to say, that whatever error of judgment he committed, he did not wish to charge him personally with any unbecoming irregularity. But he thought it was most important, that the practice of the army, so far as it could be laid down by military rule and law, ought to be strictly followed, for he could not conceive anything more dangerous to an army than not to act in accordance with military rules and regulations, or anything more likely to induce mutiny and other destructive consequences. The gallant Officer attempted to justify his conduct by referring to the abuses which prevailed under the command of the Duke of Wellington. He did not complain of the existence of abuse, but of the adoption of a principle that was contrary to law. The abuses which existed in the Duke of Wellington's army were incident to every human institution; but the fault committed by the gallant Officer was the adoption of a system neither compatible with the government of the soldier nor consonant to the law. Now, what was the practice of which the Duke of Wellington complained in 1810? He stated, that he had no police corps, such as those adopted in other armies, no detached courts-martial, and that the provost was not strong enough as it was then enforced. What subsequently happened? A clause was introduced, which stood the twelfth in the articles of war, by which a small number of officers might, when regiments were marching up a country, take evidence against, and sentence to death, any insubordinate soldier, with this restriction, that the sentence could not be executed without the consent of the commander-in-chief. It had, previously to this alteration, frequently happened, that if the soldiers ill-treated any of the inhabitants of a country through which they passed, the officers had only the power of sending forward the complainants perhaps a distance of 150 miles, to urge their accusations before the commander-in-chief, or to send down a commission in order to try the offence. A police guard was next established for securing order on retreats, or when entering towns. The third point complained of in the Duke of Wellington's despatch was remedied by a general order issued at Granada, in which it was particularly specified, that no officer should have the power of punishing by provost-marshal of inflicting corporal punishment without seeing the offence actually committed; otherwise they were to report the circumstances to the commander-in-chief, who was to order a court to sit and inquire into them. Then came the gallant Officer's system of provost; and the gallant Officer intrusted that power to every commanding officer of a regiment, which was never before known in the British service. Another article of war which he believed he had introduced, declared, that no soldier should be struck unless he was first brought to court-martial. He thought it extremely improper that punishment should be inflicted under the excitement of passion, and it was never intended that men should receive corporal punishment for negligence in their dress, absence from parade, or such kind of offences, which met with this harsh treatment in the Legion. He believed he could show, that in the Duke of Wellington's army it was intended, and the rule was generally observed, that no man should be punished by provost who was not taken in open vagabondism. In Lisbon, where the provost was established, the commandant had a most difficult task in preserving order, in a place where men were constantly arriving from, and, embarking for England. Yet there no power was exercised except that of court-martial: punishment by the provost was never dreamed of. Take another instance: when the army was retiring from Madrid, it was found extremely difficult to prevent it from plundering the places through which it passed; but one gallant officer kept his regiment in excellent order, by keeping up during the whole day, while he continued to march, a drum-head court-martial, which awarded a punishment to the offenders within ten minutes from the commission of the offence. This system, which he was justified in adopting when in the presence of the enemy, that gallant officer was so enamoured with, that he could not lay it aside when the army was in cantonments, and the consequence was, that he was reprimanded so strongly by his commanding officer, that he was obliged to leave the army. Such was the distinction observed between the mode of inflicting punishment when in the presence of the enemy and when in cantonments. Just previous to the battle of Waterloo Sir Thomas Picton was marching up his division under a fire, and a man in his regiment became extremely insubordinate. When the regiment halted at the top of the hill up which they were marching, a court-martial was held, and the man being flogged returned to his duty quite altered in his behaviour. He had stated this to show that General Picton could only have proceeded by the regular course pointed out by the military regulations. That gallant Officer (Sir G. de Lacy Evans) had in his evidence stated, that the powers of a commander-in-chief should be those of a dictator. He perfectly concurred in that opinion. He had no objection to intrust such powers to the gallant Officer himself, who was justified in keeping his force in order by corporal punishment and every possible means; but the despotism should have rested with the gallant Colonel himself, and not been extended to others. When they bore in mind that men were daily flogged by the orders of captains of regiments or subalterns, or underwent what the gallant Officer called the minimum of punishment, they had a right to call to his recollection that part of his evidence in which he complained, not of the cruelty of military punishment, but of its degrading and debasing principle. Now, surely on this head ten lashes were as objectionable, because as degrading to the character of the soldier, as 200. The truth was, that the system adopted by the gallant Officer was one of the inconveniences of his acting in irresponsible command; for had he pursued such a course when acting under the regulation of the regular army, he was quite sure that he would have had an intimation from the adjutant-general to this effect—" Take care what you are about—you are doing that which is not legal. You must adhere to the orders of the army, or ask her Majesty to give you new powers for the purpose you contemplate." The conduct of the gallant Officer was the more important, that he had stipulated that the men of the Legion should be treated according to the British articles of war.

Sir *G. De Lacy Evans* begged to explain. He knew it had been said, that as he signed the document containing the conditions of the service, it was as binding on him as on the men. Now, the fact was, that the document itself was only signed by the Spanish minister, and all he did was to certify that a true copy was made of it, leaving the men to accept or reject the conditions as they thought proper.

Sir *H. Hardinge* resumed. He was sure the gallant Officer was too straightforward and manly not to have determined never to accept the command if the Spanish Government were to lay down any other regulations for the conduct of the Legion but the British articles of war. The third article stated distinctly that the force was to be governed in all military matters in conformity with the British articles of war, and in matters not connected with the military department according to the laws of the country in which they were to serve. This article bore on its face the name of the gallant Officer opposite, who thus morally became responsible for its observance, and was so considered, and most naturally so considered, by the soldiers of the Legion. Too late, however, they found out that a totally different system was to be observed towards them from that sanctioned in the British army, for it was notorious that the commanding officers of the Legion regiments received from the gallant Officer powers of punishment which in the British army would not be given to general officers. The gallant Officer in August, 1835, a few days after the Legion landed at San Sebastian, and before the British system had even been tried, issued a general order, of which the following is an extract:—

> " For the present there will be one deputy provost-marshal, with the rank and pay of ensign. This officer is to be attached to head-quarters generally, but is liable to be sent with any brigade, regiment, or detachment, as may be directed. Each regiment will, until further orders, have a sergeant-assistant provost, selected from the most able-bodied, steadiest, and most efficient of the non-commissioned officers, with the pay of quarter-master-sergeant. The assistant-provosts to be under the control of the deputy-provost marshal, but all are liable to receive orders from general and staff officers and regimental commanding officers—provided always that such instructions are not in opposition to the following outline of the duties of the provost, viz.:—All provost-marshals and their assistants are empowered to inflict summary punishment (on the breech) to an amount not exceeding two dozen, according to the degree of offence, on soldiers and followers of the Legion found in the commission of offences against discipline, plundering, drunkenness, violence, and, in short, every offence tending to the subversion of good order in an army. The provost must either see the offence himself, or have it from the testimony of competent eye-witnesses."

Yet one of the British articles of war, to which the gallant Officer was bound by the *conditions* of service countersigned by him, distinctly states that "whatever be the crime, the provost-marshal shall SEE the offender commit the act for which summary punishment may be inflicted." The evidence of Colonel Dixon, that men were frequently flogged on parade for slight breaches of discipline, such as having dirty accoutrements, being absent, &c., was sufficient; but it was rendered conclusive by the similar testimony of General Shaw. But he had other evidence on the point to offer to the House. On Saturday last two men called on him, and authorising him, if necessary, to give their names, detailed to him several particulars on the subject which had fallen under their own observation. One stated, that he hads erved as an adjutant in the Legion, and that on one occasion, when he brought in the report of the men absent from parade the previous evening, his commanding officer said to him, "Oh, give the rascals four dozen each and turn them out." And the men, he added, were punished accordingly. The other man, who had acted as provost-sergeant during thirteen months, informed him that captains of companies had the power to inflict the lash, and frequently ordered men to receive from two to four dozen, and further, that even subalterns ordered men to be punished for absence from parade. This, he hesitated not to assert, had never occurred in the British army. And it should be observed, that all this time the Legion was in garrison, neither in the field nor on the march. Men, repeatedly, the provost-sergeant added, had received three or four dozen lashes for being dirty, or having their accoutrements out of order, and four dozen morning and evening for using abusive language. These facts, he repeated, he stated on the authority of persons then in London, and whose names, if required, he was prepared to give up. On several occasions, it would even appear, the men were obliged to bring to the provost-marshal a verbal order for their punishment. The provost-sergeant who had called upon him, stated that on repeated occasions a man would come to him and say, "I am to have two dozen." He had inquired what was the average number of men punished daily, and the answer was, "From ten to fifteen; but this was by no means an unusual number." And then came a fact, which showed how easily the power so incautiously intrusted to the commanding officers might be, and was often abused. On one morning a commanding officer ordered no fewer than thirty-four men to receive four dozen each, for having been absent from parade the previous evening, the cause being, that they had, during the day, received the balance of their accounts, and got drunk. Such a quantity of punishment for so trivial an offence found no precedent in the British army. Then, as to the severity of the punishment: on one occasion, while the Legion was at Cordovan, a man (who had in person told him the story) received 300 lashes, by sentence of a court-martial. But what was the instrument with which these lashes were inflicted? He was told it was with the naval, and not with the military cat, that the punishment was inflicted, and he believed, that 300 lashes by the former were equal to 1,000 by the latter. When he was informed of this circumstance, he asked the man if he could prove it, and his answer was, that it was generally known, and that he had been confined in consequence of the punishment for several weeks in the hospital. Another instance of the arbitrary use of the powers confided in them by the commanding officers appeared in a circumstance detailed by the provost-sergeant:—A man was ordered by sentence of court martial to receive 100 lashes; the minutes of the court-martial were accidentally lost, but the commanding officer took upon himself to order, that the man should receive two dozen every morning until the 100 lashes were inflicted. It was due, however, to say, that all commanding officers had not taken such responsibility on their shoulders. Neither Colonel O'Connell nor Colonel Churchill had ever acted in this manner. In the British army what was endured by the men in the Legion was not known, and would not be tolerated. The men would infallibly shoot the officers who should thus become obnoxious to them; and if Serjeant Somerville, the patriot sufferer for whom 300*l.* had been collected by the hon. Member for Middlesex, might be believed, several of the Legion officers were shot in action by their own men in revenge for the wanton punishment inflicted on them. One word respecting the alleged punishment of women. Fully acquitting the gallant Officer of being a party to the infliction of corporal punishment of women, he must say, he had reason to believe there were instances in which it had occurred. The fact was, however, only to be attributed to the laxity of the system which prevailed—a system which could never be tolerated or sanctioned.

Mr. *Tennyson D'Eyncourt* could not

help thinking, that the more immediate object in view in bringing forward the present motion was to give hon. Gentlemen opposite an opportunity to make an attack on his hon. and gallant Friend near him, and the speech just delivered by the gallant Officer (Sir H. Hardinge), in which he had not made one single observation upon the general question, but had confined himself to comments on the conduct of the gallant Officer, tended to confirm him in his opinion. If so, however, their design had failed, for he felt sure the general opinion of the House was, that the hon. and gallant Officer had, in the management of the Legion, acted throughout from the purest and most humane motives, and maintained the discipline of the force in a manner no other man under similar circumstances could have done. While he had command of the Legion not a single case of capital punishment had occurred. In several instances courts martial had condemned men to death, but in every instance the sentence was commuted. He had been in communication with several officers of the Legion, and they had all represented, that the punishment inflicted on the soldiers was, as stated by the gallant Officer, but "school-boy" punishment; and often, when they advised more severe punishment, the gallant officer refused his consent. He knew not what might be the opinion of the House respecting the conduct of the hon. and gallant Member in regard to the question of military punishment, but he did not hesitate to say, that out of doors he was considered s having put in practice in Spain all the sentiments and opinions he had ever professed within the walls of Parliament. In conclusion, he begged to say it was his intention to vote in favour of the motion.

Captain *Boldero* felt bound to repel the unwarrantable insinuation which had been thrown out against him. He had always stood up in that House as an advocate for the abolition of corporal punishment; and simply because the conduct of the hon. and gallant Member for Westminster had been brought under notice while in Spain, what right had the right hon. Member who had just sat down to impute to him improper motives in bringing forward his motion?—

The *Speaker:* I think the hon. Member is mistaken. I am not aware that any imputation has been cast on the hon. Member.

Captain *Boldero* felt bound to bow to the opinion of the chair, but must, notwithstanding, say, that the hon. Member had imputed to him an improper and unmanly motive, and he called upon him to apoligise for it.

The *Speaker:* I must again tell the hon. Member that he is mistaken; and I would put it to him wether he is justified in making the call he has done.

Mr. *Tennyson D'Eyncourt* begged to assure the hon. and gallant Officer, that nothing was further from his intention than to impute to him either an improper or unmanly motive in bringing forward his motion. All he intended to convey was the fear, that the motion might have been suggested to him by others who desired to found upon it an attack against the hon. and gallant Officer, the Member for Westminster.

Viscount *Howick* said, he had no intention to enter into the merits of the incidental discussion which had been raised, and which he could not help saying had been most inopportunely introduced. Neither upon the motion before the House did he propose making many observations; for, in the first place, the question had been already fully discussed; and, in the second, he found that the opinions he entertained upon it might be expressed in very few words. He objected to the appointment of the proposed Committee on several grounds. Firstly, he objected to it on the ground that no such inquiry as that of a Select Committee was required, or could be attended with the slightest advantage. A question of the magnitude and importance of that to which the motion referred could not be decided by the Report of a Select Committee; the House must determine whether the system of punishment, at present in force in the army, might be dispensed with, and what should be substituted in stead. The only object of a Committee would be to collect facts, on which to form an opinion; but, in the present instance, all parties, whether those in favour of the existing system or those who opposed it, seemed to be in full possession of all the facts which, either *pro* or *con* could be adduced, and on those facts to have made up their minds as to the vote they should give. Moreover, scarcely three years had elapsed since a commission had sat upon the subject, and in its report was contained every particle of evidence which could be required. If, then, the House were at all to entertain the motion, it should be understood as doing so, not for the purpose of inquiry, but of condemning the existing system of military punishments. If, however, it was the wish of the House so to condemn that system, he contended that they were bound to adopt some other course to give expression to their opinions than the inconvenient and injudicious one of assenting to the present motion. If they were of opinion that the existing system of military punishments should be abolished, why should they not proceed directly with a motion to that effect, and then provide a substitute for it? If they did not this, and if, without abolishing it, and providing a remedy, they contented themselves with a mere condemnation, they might greatly endanger the discipline of the army. For his own part, he begged to say, he was by no means prepared to take away the power of inflicting corporal punishment hitherto existing in the army. He did not see how that power could be safely dispensed with, or, if dispensed with, what substitute, and all admitted that a substitute must be devised, could be provided. The hon. Member for Kilkenny recommended as a substitute a system of rewards. He admitted, that much might be done to raise the moral discipline of the soldier by means of a well-planned system of rewards, but it would not be sufficient, as a substitute for corporal punishment. He had, however, he begged to say, attended as much as possible to the recommendation on this point of the Commission of 1835, and he held in his hand a return of the number of commissions given within the last four years, without purchase, to individuals who had served as non-commissioned officers in the British army. It appeared that, in the last four years, namely, from 1st April, 1834, up to the present time, the total number of appointments to commissions without purchase had been 396, of which number eighty-six were filled up by transfers from the half-pay list. Another mode of reward which had of late years come into very general operation was, increase of pay and honorary marks, given to soldiers for good conduct. It appeared that, in the same period, no fewer than 2,491 soldiers who had acquired a positive right to increase of pay for length of service, had given up their claim in this respect in order to receive the good-conduct warrants; and besides these, 6,715 other soldiers had entitled themselves to such warrants, making a total of 9,206 soldiers who had earned a right to good-conduct warrants. He thought it would be much better to trust to the increasing desire which existed among the military authorities to diminish, as much as possible, the extent of corporal punishment, than to seek to restrict the necessary power of those authorities by motions like the present. He would beg to call the attention of the House to what had been done on this subject in recent years. He found, from returns in his hand, that, since the year 1825, when the system of corporal punishment began to be materially restricted, the following changes had taken place. In 1825, the number of soldiers tried by court martial was 4,708, of whom 1,737 had received corporal punishment in pursuance of their sentence. From that year the system of corporal punishment had been greatly restricted, and the consequence had been, that the total number of courts-martial, since that period, had been considerably augmented, while the total number of corporal punishments had been proportionably diminished. This would appear clearly from the fact that in the year 1836, the number of courts-martial from 4,708 had increased to 8,965, nearly double the number in 1825, while the number of cases of corporal punishment in the same year had diminished from 1,723 to 683; little more than a third of the number inflicted in 1825. This showed that, on questions of this kind, the House ought to proceed with great caution. He trusted the House would reject the hon. Member's motion by a large majority.

Sir *C. Broke Vere* hoped, the House would not be led, by any mistaken notions of humanity, to do that which would materially weaken the discipline, it was essential to maintain in the army.

The House divided on the original Motion.—Ayes 169: Noes 76; Majority 93.

Mutiny Bill went through a Committee, and was ordered to be reported.

List of the AYES.

Acland, T. D.
Adam, Admiral
Arbuthnott, Hon H.
Bailey, J.
Bailey, J., jun.
Baker, E.
Baring, F. T.
Baring, Hon. W. B.
Barneby, J.
Bentinck, Lord G.
Berkeley, Hon. C.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Bolling, W.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruges, W. H. L.
Burr, H.
Busfield, W.
Childers, J. W.
Chisholm, A. W.
Chute, W. L. W.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Visct.
Compton, H. C.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Davies, Col.

Divett, E.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duke, Sir J.
Dunbar, G.
Duncombe, Hon. A.
Dundas, C. W. D.
Dundas, F.
Dundas, Hon. T.
Egerton, W. T.
Egerton, Sir P.
Evans, W.
Fazakerley, J. N.
Fitzroy, Lord C.
Fitzsimon, N.
Follett, Sir W.
Forbes, W.
Forester, W.
Fremantle, Sir T.
Gibson, T.
Glynne, Sir S. R.
Gordon, R.
Goulburn, Rt Hn. H.
Grey, Sir C. E.
Grey, Sir G.
Halford, H.
Hardinge,RtHn.SirH.
Harland, W. C.
Heathcote, Sir W.
Henniker, Lord
Herbert, Hon. G.
Hinde, J. H.
Hobhouse,RtHn SirJ.
Hodgson, F.
Hodgson, R.
Holmes, W.
Hope, G. W.
Hope, Hon. J.
Hotham, Lord
Houstoun, G.
Howard, P. H.
Howard, R.
Howick, Visct.
Hughes, W. B.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
James, W.
Jones, W.
Kinnaird, Hon. A. F.
Kirk, P.
Lambton, H.
Lefevre, C. S.
Lockart, A. M.
Logan, H.
Lygon, Hon. Gen.
Mackenzie, W. F.
Mahon, Visct.
Master, T. W. C.
Maule, Hon. F.
Maunsell, T. P.
Miles, P. W. S.
Mordaunt, Sir J.
Nicholl, J.
O'Callaghan, Hon. C.
O'Ferrall, R. M.
O'Neil, Hon. J. B. R.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Palmerston, Visct.
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, Rt. Hn. Sir H.
Patten, J. W.
Polhill, F.
Powell, Col.
Power, J.
Praed, W. M.
Rice, Rt. Hon. T. S.
Richards, R.
Rickford, W.
Roche, D.
Rose, Rt. Hn. Sir G.
Round, C. G.
Rushbrooke, Col.
Rushout, G
Russell. Lord J.
Sanderson, R.
Scarlett, Hon. J. Y.
Sharpe, Gen.
Shaw, Rt. Hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, R. V.
Spencer, Hon. F.
Stanley, E. J.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Surrey, Earl of
Teignmouth, Lord
Tennent, J. E.
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.
Troubridge, Sir E. T.
Vere, Sir C. B.
Vivian, J. E.
Vivian, rt. hon. Sir H.
Welby, G. E.
Westenra, hon. H. R.
White, S.
Williams, R.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, T.
Woulfe, Sergeant
Wyndham, W
Wynn, rt. hon. C. W.

TELLERS.

Seymour, Lord
Steuart, R.

List of the NOES.

Ainsworth, P.
Archbold, R.
Barnard, E. G.
Beamish, F. B.
Berkeley, hon. H.
Bewes, T.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Browne, R. D.
Bryan, G.
Bulwer, E. L.
Burdett, Sir F.
Butler, hon. Col.
Chalmers, P.
Chester, H.
Collier, J.
Collins, W.
Curry, W.
Dashwood, G. H.
Dennistoun, J.
D'Eyncourt,rthn.C.T.
Easthope, J.
Evans, Sir De L.
Evans, G.
Fielden, J.
Finch, F.
Gillon, W. D.
Grattan, H.
Greenaway, C.
Grote, G.
Hall, B.
Halse, J.
Hastie, A.
Hawes, B.
Hayter, W. G.
Holland, R.
Hoskins, K.
Hume, J.
Humphery, J.
Johnson, General
Langdale, hon. C.
Lushington, C.
Mackenzie, T.
MacNamara, Major
Marshall, W.
Marsland, H.
Martin, J.
Morris, D.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Pease, J.
Plumptre, J. P.
Poulter, J. S.
Rice, E. R.
Rundle, J.
Salwey, Colonel
Somerville, Sir W. M.
Style, Sir C.
Tancred, H. W.
Thompson, Ald.
Thornley, T.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wilshere, W.
Wood, Sir M.
Wyse, T.

TELLERS.

Boldero, Capt.
Sinclair, Sir G.

SUPPLY—ORDER OF THE BATH.] The Report of the Committee of Supply was ordered to be received.

On the third resolution, to grant 103,000*l.* to defray the expense of rewards to general officers,

Lord *Hotham* rose, not for the purpose of offering any opposition to this grant, but for the purpose of calling the attention of the House to a matter of great public importance. As this grant involved a question of military reform, he could not refrain from saying a few words on the subject of the high mark of military distinction so improperly conferred, in his opinion, on the hon. and gallant Officer, the Member for Westminster. He knew not whether that hon. and gallant Officer was at that moment in the House. [Sir G. De L. Evans bowed.] He was happy to have the opportunity of stating in that. hon. and gallant Officer's presence, that nothing was further from his intention than to cast any reflection either upon the gallant Officer or upon his services. He had heard those services highly spoken of by several of the officers under whose command the hon. and gallant Member for Westminster had served. He therefore gave the hon. and gallant Member full credit for having served with zeal, gallantry, and ability; and if the gallant Officer had not had an opportunity of establishing his claims so highly as some of the meritorious officers to whom he had been preferred, it was not owing to a want of zeal, but to a want of opportunity on his part. He would candidly confess, that it was not to be expected that the hon. and gallant Officer would decline the distinguished reward which had been offered to him by her Majesty's Ministers for his services. He would not do that hon. and gallant Officer the injustice of supposing that it had been conferred on him upon his own solicitation, as the gallant Officer must have known that that solicitation could not be granted without doing injustice to several officers older than himself who had rendered services to their country, which the gallant Officer would be one of the first to admit were superior to his own. His complaint was, that injustice had been done to the service in general by this act, and that, too, in a manner leading inevitably to the conclusion, that if the hon. and gallant Officer had not been a Member of that House, and if he had not been, moreover, a supporter of her Majesty's Government, he would never have been recommended for so signal a mark of royal favour. He might be told, that in mooting this question in his place in Parliament he was interfering unnecessarily with the exercise of the prerogative of the Crown. If that should be the case, if he should have such language applied to him, all the reply he would condescend to make to it would be this—that no man was more unwilling than he was to interfere with the exercise of any such prerogative. He imagined, however, that this prerogative of the Crown was always exercised by the advice and on the responsibility of the Ministers of the Crown. And as it appeared clear to him that in the exercise of this prerogative injustice had been done to old and meritorious officers, who deserved more than the hon. and gallant Officer the gratitude of their sovereign and their country, it was no sufficient answer to give him, that in this kingdom the Crown was the sole fountain of honours and rewards. He had no need, he was sure, to enter at that time of day into a detail of the regulations laid down for the governance of the Order of the Bath. It was notorious, that on the occasion of the order being extended at the close of the last war, a regulation was laid down, that no one should be entitled to receive the first class of its honours who had not previously received the second; and though some imagined that there was equally a regulation that no one should receive the second class who had not previously received the third class of its honours, he deemed it only right to inform the House that no such regulation was in existence among its statutes. Yet such had been the invariable practice in all cases, except in the peculiar circumstance of an officer commanding a brigade at Waterloo, or in the case of the second class being conferred on an officer of high rank, to whom the gift of the third class of the Bath would appear an insufficient reward. But on this occasion Ministers, in the advice which they had given to their Sovereign, had grossly neglected the claims of several old meritorious officers. There were at present seventy or eighty general officers having only the third class of the Order of the Bath. There was also a large number of officers, of rank superior to that of the hon. and gallant Member for Westminster, who had also received the third class only; and yet to all these hon. and gallant men had the hon. and gallant Member for Westminster been recklessly preferred. He would not pretend to detail their various services in different parts of the globe; but he trusted, that he might be permitted to allude to two of those officers whose services more immediately recurred to his recollection. One of them was the case of an officer who had commanded a brigade of cavalry for two years, and who actually commanded a brigade at the battle of Waterloo. The other officer to whom he referred was one who had served in an infantry regiment for twenty-seven years, who for seventeen years of that period had been in the actual command of an infantry regiment, and who had been wounded in that command in no less than five places. Her Majesty's Ministers, however, in advising this mark of distinction to be conferred on the hon. and gallant Member for Westminster, feeling that what they had done was contrary to the practice of the British service, felt it necessary to advert to the high rank which the hon. and gallant Officer held in the armies of the Queen of Spain. Now, if the circumstance of the hon. and gallant Member's being a lieutenant-general in the Spanish army was a sufficient excuse for departing from the ordinary rules of the Order of the Bath, he should like to know why it was that the hon. and gallant Member for Westminster had not been treated like any other foreign officer, and had been placed in that honorary and supernumerary class which was reserved for officers belonging to foreign countries. There was a precedent for such a step even in the service to which the hon. and gallant Member for Westminster belonged—there was already one lieutenant-general in the army of the Queen of Spain enrolled among the honorary Commanders of the Bath; but that precedent had not been followed. The fact of the hon. and gallant Officer's being a British subject, was considered sufficient to exclude him from the foreign class, in which another lieutenant-general of the Spanish army was enrolled, whilst the fact of his being a lieutenant-general in that service was considered sufficient to entitle him to a distinction to which he could not have aspired from his inferior rank in the British service. He was unwilling to pursue this subject further, and he assured the House that nothing but a strong sense of public duty and of the unmerited neglect with which several meritorious officers had been treated would have tempted him to allude to it at all. He could not refrain from expressing his regret that he had lived to see the time when, by the conduct of the Ministers of the Crown, military officers were taught to look for military rewards, not to their length of service in the field, or in foreign countries, not to their regularity of service with their regiments, but to the regularity of their service in the House of Commons, and to the regularity of their support to the Government of the day. He confessed that he entertained great objection to dwelling on this subject, but as he took no part in the discussion on a former occasion in reference to the services of the gallant Officer in Spain, and as the noble Lord, the Secretary for Foreign Affairs, challenged the approbation of the House on the part of the Government for conferring this mark of distinction on the gallant Officer, a sense of duty compelled him to trouble the House with a few observations on the subject. The noble Lord stated, that the conduct of Government, in this matter, was generally approved of. Where the noble Lord might have got his information from he knew not, but he never recollected any subject on which there was such unanimity of feeling amongst all classes of society as on this, in disapprobation of the conduct of the Government. He did not wish to speak disrespectfully of the services of the gallant Officer, but he could not refrain from censuring the Government for their conduct in this matter. He had never heard the subject alluded to in any society, whether friendly to her Majesty's Ministers or opposed to them, but it had been followed by an expression of regret and indignation at the conduct of Government.

Viscount *Palmerston* observed, that it was not to him matter of the least surprise, that the honour which had been so deservedly bestowed on his hon. and gallant Friend behind him should have been disapproved of in those societies which the noble Lord opposite was in the habit of frequenting; entertaining, as the noble Lord did, peculiar sentiments as to the services which his hon. and gallant Friend had performed—it was to be expected, that as the noble Lord and his friends disapproved of the object of those services, and felt no satisfaction at the result which they had produced—it was to be expected, that they should condemn the mark of approbation which had been bestowed on his hon. and gallant Friend as a recompense for those services. But the noble Lord must excuse him if he could not accept either his opinion or the opinion of those friends whom he quoted as correct organs of public opinion upon this subject. The noble Lord was mistaken in his opinion as to the bearing of the statutes of the order upon this exercise of the royal prerogative. There was no part of the statutes of the Order of the Bath which required that any officer, in order to be appointed a member of the second class, should have previously been a member of the lowest class. [Lord *Hotham:* I said no such thing.] If the noble Lord had said no such thing, then that part of his criticism must fall to the ground. The noble Lord, therefore, had no fault to find with this exercise of the prerogative, as far as this point was concerned. But the noble Lord said, that a great number of officers of longer service than his hon. and gallant Friend had been passed over, and that his hon. Friend had been preferred to them. Now, he would not enter into a discussion of the relative merits of individuals, because he was sure the House would feel that nothing could be more invidious than a discussion of that sort; but he would beg leave to say, that the Order of the Bath was not intended to be given as a reward for length of service; and when the noble Lord stated, that there were many officers in the army senior to his hon. Friend, he advanced no argument to show that the selection of his hon. Friend, in preference to officers of longer standing, was not proper and judicious. The Order of the Bath was intended as a reward not for length of service, but for distinguished service, and he contended that his hon. and gallant Friend had performed distinguished services. The noble Lord said, that there were officers (he very properly did not mention names) who had commanded, in great actions, regiments and brigades, and that injustice was done to them by the preference given to his hon. and gallant Friend. Now, it was true that his hon. and gallant Friend had commanded neither a regiment nor a brigade, but he had commanded an army, and until the noble Lord could show that any of the officers to whom he alluded had held for two years the separate and independent command of 10,000 or 12,000 men, he would not succeed in proving that any undue preference had been given to his hon. and gallant Friend. He contended that in the selection that had been made no statute of the Order of the Bath had been infringed. The noble Lord, he believed, said that a regulation had been made, or that a practice had been established, that no person should be appointed to the second class who did not hold rank as a general officer in the service. Now, there was no statute of the order to that effect. He was quite aware that at one period, this principle had been acted upon by Government, but there was no statute on the subject, and therefore there was nothing to prevent Government from departing from the practice, if it thought fit in any special case to do so. The noble Lord had asked why his hon. and gallant Friend had not been put in the supernumerary and honorary class of foreign officers. He answered, because his hon. Friend was not a foreigner, but a British subject, holding a commission in the British army; and therefore, although it was thought that the particular circumstance of his holding the rank of general officer in a foreign service, by permission of his own sovereign, did entitle him to be made an exception to the rule, limiting the second class to persons holding that rank, yet it would have been an act of great injustice to him to have on that account put him into the class of foreign officers. He should only say, that the services which his hon. and gallant Friend had performed were known to the world. Upon these he rested the vindication of Government; and with respect to the miserable taunt of the noble Lord that this honour had been conferred upon his hon. and gallant Friend for services performed in that House, instead of being granted for services performed in the face of the enemy, he must say, that he did not congratulate the noble Lord upon that feeling which led him to think that any Government could be so forgetful of the duty which they owed to the country as to make such a use of military honours.

Sir *G. De Lacy Evans* said, he would only trouble the House very briefly. He had stated before, in reference to this subject, that he thought it would be a very useful and salutary measure, if the same rule were adopted with respect to the Order of the Bath which was acted upon in the case of certain appointments made in the navy—if a statement of the services of the individuals who received that distinction were inserted in the army estimates. Each of those cases might then be discussed by the House, if the exercise of the royal prerogative should be deemed to be a subject fit to engage the attention of the House. Should the House so judge it proper, a discussion of the services of the persons honoured by this mark of royal approbation would be very fair and beneficial. But he held it only one of the many acts of injustice done towards him, part of the persecution he had to undergo, to fix upon his particular service, or want of service, without any comparison with that of others. It would be highly invidious and improper in him to enter on an examination of the services of the officers who had received this distinction, but he invited, he challenged a comparison; he was ready to consent that his services should be put upon the same paper with those of any of those officers. He repeated, he should be extremely glad of it; but these remarks seemed to him to be almost superfluous upon the eve of a long discussion which had reference to this very topic. The noble Lord's zeal, however, was so ardent that he seemed to wish to anticipate it. To-morrow night, he supposed, it would be discussed whether or not any services on his humble part had been performed recently or not. He was not at all surprised that the noble Lord opposite questioned the propriety of conferring on him the honour which he valued so highly, because many of the hon. Gentlemen opposite, who were so displeased on this occasion, would have consigned him not long since to the tender mercy of the Durango decree. With regard to the small malice which these individuals exhibited—

The *Speaker* reminded the hon. and gallant Member, that it was improper to use a term imputing motives of this kind to any hon. Member.

Sir *G. de Lacy Evans* had not the least wish to use any expression which might be considered improper. He, therefore, retracted it, since he was directed by the chair to alter the word, though he was quite aware of the nature of the feelings evinced on the other side. He could assure hon. Members opposite that he had not the least objection to a continuance of that feeling, provided it were as abortive as in the present instance, because it rather enhanced the honour conferred upon him than depreciated it.

Lord *Hotham* wished to say, that the hon. and gallant Officer was mistaken in supposing that he had introduced this subject with any reference to the approaching discussion of to-morrow. He could only answer, as the noble Lord, the Secretary for the Home Department knew, that but for an accidental circumstance, to which it was not necessary now to allude, he should have made this statement on the night on which the army estimates were brought on.

Resolution agreed to.

On the resolution that a vote of 1,310,474*l.*, for the charge of Chelsea and Kilmainham hospitals, be agreed to.

Mr. *Shaw* inquired whether it was the intention of Government to continue Kilmainham Hospital on its former footing? The staff of the hospital, he observed, was maintained on a very liberal scale, while the number of pensioners was very trifling.

Mr. *Hume* hoped, that Government would suppress the hospital altogether. The evidence before the Select Committee of the House clearly proved, that the details of its management was nothing but a series of jobs.

Sir *H. Vivian* said, that during the period when he commanded the forces in Ireland, the system on which the affairs of the hospital were managed had been greatly improved. He would do his utmost to eradicate any abuses that might still remain, but he would always advocate the maintenance of the establishment itself, as a retreat for Irish soldiers. Great discontent, he believed, would result from its suppression. The Irish soldier was attached to his native soil, and was much more grateful for permission to reside in his own country, after the cessation of his toils, than he would be if obliged to come to Chelsea.

Viscount *Howick* said, that when he succeeded to the office of Secretary-at-War, he found regulations restricting the admission of pensioners into Kilmainham already framed. These had not since been rescinded, but the subject was now under consideration, and he was prepared to remove them whenever due security should be offered to him, that the reasons which had induced his right hon. Friend, the Member for Coventry, when Secretary at War, to prohibit the admission of pensioners into that establishment should not again recur. In 1834, persons under thirty were found in the hospital, whose services of course could have been of no long duration, while several others had served only in the yeomanry. He would not now discuss the question, whether it were necessary to maintain two hospitals of this kind in the kingdom or not, but if Kilmainham were to be preserved, its inmates ought to be soldiers whose services had been long and meritorious. He had proposed to the general commanding-in-chief, that the hospital should be opened under certain conditions, but he could not consent to that measure, unless he had full security that all who sought admission had good and valid claims.

Vote agreed to.

The remaining items of the report were also agreed to.

HOUSES OF PARLIAMENT.] Sir *F. Trench* then rose, to bring under the consideration of the House an alteration in the position of the Houses of Lords and Commons, which, he contended, without any important derangement of the general plan, would very much contribute to the comfort and health of the Members of both Houses. He said that he should occupy a few moments in stating his views, the more especially as the House was now so thinly attended. The simple question which hon. Members would, in effect, have to consider was, whether they would choose an artificial ventilation of the House, in preference to a natural ventilation. The former would, according to the plan which was already proposed, be necessarily adopted, while if they should give their assent to the proposition which he should have to make, they would select the latter, which appeared to him to be the more reasonable. The hon. Member then proceeded to describe minutely the alteration which he proposed should be made in the positions of the two Houses of Parliament, his principal object being to secure the Houses a position by which a free ventilation might be secured on all sides, a consideration which he contended was most important, but which would not be secured by the plan which had been adopted, by which lofty buildings would be placed on each side of the Houses, which would exclude the free current of air. Having made his proposition, he begged to leave it in the hands of the House and of the Commissioners of Woods and Forests. If he should hereafter feel it desirable or necessary to move for the re-appointment of the Committee to consider the subject, he should do so, desiring most anxiously that his name should, among others, be omitted. His object was—and he could not too strongly impress it on the House—to use the present Houses as houses of experiment, in order that the expense of improvements in the new Houses might be avoided, for if a new system of ventilation should be introduced which should be found unsuccessful, great expense must necessarily be incurred in order to remedy the defect and to secure a better plan. However good and useful a system of artificial ventilation might appear, and however ingenious it might be, he still was clearly of opinion, that the natural atmosphere was preferable to any artificial means of ventilation that could be produced. If the new House of Commons were placed between two buildings, the one 100 feet in height, and the other 90 feet, it was impossible that it should be healthy; and it would, in fact, be quite immaterial, so far as the ventilation was concerned, whether the House carried on its proceedings in a cellar under ground. He should leave the subject in the hands of the House, reserving to himself, if he should see fit, the right of moving for the re-appointment of the Committee.—Subject dropped.

PRIVATE BILLS.] Mr. *C. Poulett Thomson* moved, that a resolution to the effect that the names of Members ordered to bring in private bills should be printed on the back of such bills. The motion was one of considerable importance as regarded the convenience of the House, and one, therefore, to which he thought the House would have no objection to give its consent.

Mr. *Wakley* said, that he entirely concurred in the propriety of the motion, but he wished that the right hon. Gentleman had gone farther, and had applied it to the regulation of the course adopted in bringing in private bills. At present Committees were appointed, no doubt with the strictest impartiality, whose duty it was, to investigate private bills; but by the course pursued in reference to the bringing in of those bills the course of proceeding of the Committees was changed. The practice was, for some person who desired to do a little job, and to carry the bill through the House, to fix upon some hon. Member to propose it, and to carry it through its stages. Now, this hon. Member was always selected as a member of the Committee, and was then usually appointed Chairman. In the course of his experience he had become acquainted with the extent of the power exercised by the Chairman of such Committees, and he well knew the advantages which they were able to gain. If the Chairman should find any particular member adverse to his plans, an adjournment was the consequence, and this was continued from time to time until the hon. Member was absent from town, or was compelled to be absent from his place, and then the bill was carried through. Now, such a system as this ought not to continue, and he hoped, therefore, that the right hon. Gentleman would enlarge his motion, by adding to it, that no other person besides those who were nominated at the beginning of the Session by the Speaker should sit on the Committees on private bills.

Mr. *Brotherton* thought, that the subject-matter of the complaint of the hon. Member for Finsbury did not apply to the present motion. The motion had reference to the hon. Member by whom a bill was brought in, while the suggestion of the hon. Member would only apply to the hon. Member who moved its second reading.

Mr. *Hume* said, that the hon. Member for Salford had precisely pointed out the objection of the hon. Member for Finsbury. He did not see any reason why the person bringing in the bill should be selected to sit on the Committee. By this course being always adopted, it was in the power of the agent for the bill to select whom he pleased to sit on the Committee.

Mr. *C. Poulett Thomson* said, that he must agree with the hon. Member for Salford, that the question suggested by the hon. Member for Finsbury did not apply. His motion stood apart from any other; but, at the same time, he was willing to admit, that the suggestion of the hon. Member was one of importance. It should be made the subject of a substantive motion, however. He should be glad that it should be adopted as a rule of the House, for he had experienced the convenience proceeding from the adoption of the old custom recently, in being put on a Committee on a private bill, which he had been compelled to introduce on public grounds.

Mr. *Wakley* begged to assure the right hon. Gentleman that his observations applied to no individual Member of the House, but to the principle generally. If the motion should be pressed he certainly should not oppose it, but he regretted that the reform of such matters should be effected piecemeal.

The *Speaker* said, that there was no doubt that the system, if it were always adopted, was extremely inconvenient, but it was a practice which was not necessarily followed. Various expedients had been tried with a view to correct the inconvenience arising from it, but they had, as yet, been unsuccessful.

Motion agreed to.

HOUSE OF LORDS,

Tuesday, March 27, 1838.

MINUTES.] Bill. Read a third time:—Separatists' Relief. Petitions presented. By the Bishop of HEREFORD, from several Congregations in Hereford, by Lord DACRE, from two parishes in Carnarvonshire, by the Duke of SUTHERLAND, from Stoke-upon-Trent, Cheadle, and from West Cowes, by the Bishop of CHESTER, from Congregations in Chester, Salford, and other places, by the Marquess of SLIGO, from places in the county of Norfolk, and from the Committee of the London Anti-Slavery Society, by Lord WHARNCLIFFE, from several places in Lincolnshire, Durham, York, Nottinghamshire, and Sheffield, for the abolition of Negro Apprenticeship.—By the Earl of RIPON, from a parish in the county of Down, against the Government system of Education in Ireland.—By Earl STANHOPE, from Hull and Titchfield, against the New Poor-law.

CATHOLIC OATHS—THE BISHOP OF MALTA.] The Bishop of *Exeter* said, that before proceeding to address the House on the subject of which he had given notice, he should first beg leave to present a petition. It was very short, and signed by between 3,000 and 4,000 persons of great respectability, all of whom gave their address. It was the "humble petition of the undersigned inhabitants of the town of Liverpool," who, seeing that the condition on which the Act of 1829 had been granted, had not been observed so as to give security to the Protestant Establishment, prayed that that Act might be repealed, and that the Legislature might be made essentially Protestant, as it was before. He would at present move, that this petition lie on the table; and before proceeding with the subject upon which he had given notice for this evening, he would first, with the permission of the House, express his thanks to the noble Lord, the head of the Colonial Department, for the entire candour, courtesy, and even kindness, with which he had assisted him (the Bishop of Exeter) in his inquiry upon this subject. Nothing could exceed that candour and kindness, and he returned his thanks to the noble Lord for the indulgence which he had shown him. Their Lordships would recollect, that in the year 1835, his late Majesty's Government thought it desirable to establish a Council of Government in the island of Malta, and among the individuals whom they selected to compose that council, was the Roman Catholic Bishop of Malta. He understood, that upon an intimation being made to the right rev. Prelate of that appointment, and a copy of the oath of office being shown him, that right rev. Person expressed his inability to comply immediately with the conditions required of him, and requested time to communicate with the Cardinal Secretary of State at Rome, in order that he might be made acquainted with the sentiments of his Holiness on the subject. This took place in 1835; but, notwithstanding the urgent requests repeatedly made of the Bishop of Malta, no answer was transmitted till May, 1836.

A noble Lord remarked, that the right rev. Prelate was guilty of an irregularity in speaking from the table.

The Bishop of *Exeter* said, that he believed he was perfectly regular; but if their Lordships were of opinion that he was out of order, he would, of course, bow to their decision.

The Duke of *Richmond* remarked, that he entertained no objection to the right rev. Prelate's speaking from the table, but the practice of their Lordships' House was, that a Peer should not speak from any place but where he could vote, and a bishop could only vote from the Bishops' bench. He appealed to his noble Friend who was now sitting on the Woolsack next to the noble and learned Lord who presided, whether he was not perfectly correct in stating such to be the practice.

Lord *Holland*, who left the Woolsack to speak from the Treasury bench, said, that there was no doubt that the rule of the House was, that noble Lords should speak from that part of the House in which they voted, but that rule had never been strictly observed; and if it were to be enforced, he himself ought not to be speaking from the place in which he stood, but from his own seat on the Baron's bench. He must say, however, that if the rule were to be strictly enforced, it would lead to much more inconvenience than resulted from a right rev. Prelate's speaking at the table when he had papers to read.

The Bishop of *Exeter* resumed. He believed he was saying, that the Bishop of Malta transmitted a copy of the oath to Rome in 1835, but that no letter reached him in answer till May, 1836, when a communication arrived, stating that his Holiness considered that the oath was not approveable, and that it had never been approved of by him. This oath, he would remind their Lordships, was that which was contained in the Roman Catholic Relief Act, and which was the qualification for office of the Roman Catholics of this country, whether as magistrates or as members of either House of Parliament. When the fact of the Roman Catholic bishop of Malta having refused to take this oath came to his knowledge in the course of the discussion upon this subject which took place some weeks ago, he applied to the noble Lord, the Secretary of State for the Colonies, for information, which he had been so obliging as to afford, and he understood the noble Lord did not mean to oppose the motion which he intended to make for the papers designated in the notice which he had given. He must say, that this fact did appear to him to be of very great importance, for he need not repeat to their Lordships what was said by the Roman Catholics themselves, that the great, and indeed the only security, which they could offer, was their oath. When, therefore, he found that the highest authority in that church, one which was considered by every member of that communion as binding in all questions of faith and morals, had pronounced a disapproval of the oath prescribed by the Act of 1829, it seemed to him that the security on which the people of this country had so long relied, was perfectly baseless. With this feeling he had thought it necessary to bring the circumstance under the notice of their Lordships, and therefore he had determined to move for the papers which formed the subject of his notice this evening. It was not his intention to go over the ground which he had troubled their Lordships by traversing three weeks ago, as far as related to the conduct of the laity of the Romish communion. He meant to confine himself on this occasion to the doctrines inculcated by the Roman Catholic clergy and prelates with reference to the obligation of the oath taken by the members of that church. It would be proper that he should remind their Lordships what was the origin of that oath. In the year 1792, a declaration was put forth by the Roman Catholics of Dublin, in which they pressed for the grant of the elective franchise, promising that they would not exercise that franchise against the Protestant Government, or to weaken or disturb the interests of the Protestant Church of Ireland. In consequence, his late Majesty, George the 3rd, was pleased in the following year, as he believed in the speech from the throne, to call upon Parliament to consider whether they could not give the relief which was prayed for by their Roman Catholic fellow-subjects. He need not state, that this gave unbounded gratification to the Roman Catholics of Ireland. The Roman Catholic archbishops and bishops who happened at that time to be in Dublin, immediately sent forth a charge, calling on the people of that country to receive with gratitude this unprecedented proof of the kindness of their Sovereign. Dr. Troy, at that time the Roman Catholic archbishop of Dublin, to whom Dr. Murray was subsequently appointed coadjutor, on the 18th of February, 1793, addressed a pastoral letter of instruction to the Roman Catholics residing within his diocese. In the course of this pastoral, it was stated, that in a declaration made by the Irish Roman Catholics on the 17th of March, 1792, they had engaged "not to exercise the elective franchise" (if it were conceded to them) "to disturb and weaken the establishment of the Protestant religion or Protestant government of that country," page 100. In referring to this document, Dr. Troy emphatically stated, that "their principles are consistent with the declaration lately made by them." "They (he added, speaking of the Catholics of Ireland), said, we will not disturb and weaken the establishment of the Protestant religion or Protestant government of that country. (page 100). The Catholics of Ireland will not disturb and weaken the Protestant Church Establishment, nor invade the property, honours, and privileges of the Protestant clergy, confirmed to them by statute law, neither will they disturb and weaken the Protestant Government." On the 22d of March, in the same year, while Dr. Troy was watching the progress of the bill, he published another edition of this *Pastoral Instruction*, and in a supplement to it, he thus noticed the bill, which had then passed both Houses of Parliament, granting the elective franchise, and embodying in the oath required as a qualification the very words of the declaration, sanctioned thus solemnly by Dr. Troy:

> "I sincerely unite with my Catholic brethren in their effusions of loyalty and gratitude to our beloved Sovereign, and both Houses of Parliament, for the recent proof of their wisdom, justice, and liberality exhibited in the Bill for our relief which has just been sanctioned by the Lords and Commons. May the united efforts of all Irishmen be henceforward directed to the preservation of tranquillity, and promotion of the general advantage and prosperity of their country. May the conduct of Catholics, in particular, be ever, as it has hitherto been, conformable to their principles, and prove that the confidence reposed in them by an enlightened Legislature is not misplaced."

Dr. Troy also gave an exhortation that a mass should be celebrated. In addressing the clergy of his archdiocese, he said—

> "Dear brethren—We hasten to announce the riches of God's goodness displayed in a recent Act of the Legislature, restoring the Roman Catholics of Ireland to a considerable share in the Constitution of their country. Rejoice, then, dear brethren, in the Lord. Again, we say, rejoice. Pour forth your thanksgiving to the King of kings, to our beloved Monarch, to the Lords and Commons, and to all who have concurred with them in procuring our relief. We conjure you, most earnestly, to manifest your gratitude to Heaven, and to our earthly rulers, by the exact discharge of your obligations as Christians and subjects."

Now, among these obligations had been in an especial manner included by himself, as had been seen, the engagement not to exercise the elective franchise to disturb and weaken the Protestant church establishment, nor invade the property, honours, and privileges of the Protestant clergy. The obligations of the oath had been faithfully observed for more than thirty years, and it was not till the year 1831 that any attempt was made to evade them. Nay, more than that; in the year 1830, there was a meeting of the Roman Catholic archbishops and bishops of Ireland, in which they disclaimed all intention of uniting with the laity for the purpose of exciting the people in the attainment of political objects, and called on their clergy to do the same. He need not state to their Lordships, that this injunction was not observed by all, but many did comply with it. He was bound to say, that up to 1834, Dr. Murray, and he believed nearly all the Roman Catholic prelates, did abstain from anything like union with the laity, in urging on the violent measures which were then in agitation. This was in the summer of 1834, but a very few months afterwards the scene was unhappily changed. Their Lordships would have a perfect recollection of what took place in the latter part of that year. A change of ministry occurred, and the conduct of the Roman Catholic prelates changed also. Accordingly, at the general election of 1834-5, the Roman Catholic bishops, at least many of them, not only joined the laity in exciting the people of Ireland, but urged their clergy in every way, to impress upon their flocks the duty of supporting the popular candidates; and, what was worst of all, they put the obligation upon the ground of religious duty. The Roman Catholic Bishop of Ferns and Loughlin, so called, Dr. Nolan, thus addressed his clergy in a circular letter, dated the 7th of January, 1835:—

> "Braganza House, Carlow, Jan. 7, 1835.
>
> "Dear Rev. Sir—Having been consulted by some of our clergy on the expediency of our taking a part in the present elections. I deem it necessary to address my answer generally to the priests, of at least this part of the diocese. My wish, as it is the express wish of all the Catholics in Ireland, is, that we should, if it were possible, keep aloof from all interference in political concerns. This, however, must be subject to the modification of circumstances; and I am decidedly of opinion, that the present critical and most important juncture of public affairs, not only justifies, but imperatively calls for our most

active and energetic exertions, I will state my reasons briefly. The best and dearest interests, religious as well as political, are at stake. A new Administration has been called into power, avowedly for the purpose of supporting the temporalities of the Church by law established, and the principles of the Tory, anti-reforming, or Conservative party in England and Ireland. * * *

"The present general election, then, is the most important that perhaps ever occurred in this country, for on its results depend the future improvement, peace, and prosperity of Ireland, or the perpetual continuance of the poverty, misery, and degradation of her people. Shall we then stand by as idle spectators of so momentous a contest? We are so completely identified with our people in all their interests, and in all their suffering, I answer emphatically, no. The people stand in need of our assistance in this emergency, and we owe to them our most zealous co-operation in an object so evidently good as their peaceful and legal endeavours to free themselves from the thraldom of Conservative oppression, and the crying grievance of an unjust and sanguinary tithe system. We are bound to give them our assistance, by instruction, advice, exhortation; and it is necessary to explain to the electors the real nature of the question which they are now called upon to determine by their votes. The question before the electors now is, not whether this or that candidate be a man of wealth or limited fortune, a man of amiable manners and private worth, or a haughty aristocrat and bad landlord; a man of mental powers and literary acquirements, or a half-educated squire; but simply this—will they, by their votes, do all in their power to support an Administration which is determined to check the progress of salutary improvement to all the civil institutions of the empire—to uphold and perpetuate in Ireland the enormous abuses of a Church Establishment, from which the people never received aught but evil—to place the education of our youth in the hands of proselytising fanatics, and to deliver the Catholic population again to the domination of the old ascendancy faction? * * *

"Will they give their support to such a Ministry, their sanction to such principles, their approbation to such proceedings? Can any honest, independent, conscientious freeholder, particularly can any Catholic freeholder, who desires to see the reign of justice, charity, and peace in his native land, do so?"

The Church Establishment thus spoken of by the Bishop, was the very establishment which that individual, and all the rest had sworn to do nothing to disturb. The document then proceeded to advise a peculiar and wary course.

"After having explained to the freeholders of your parish the real state of the question on which they have solemnly to decide, your duty, Sir, is to instruct them in the conscientious obligations of electors, for they are not to understand that the elective privilege is intended, by the laws, as a matter of traffic, to be disposed of for private emolument or favour, but a sacred trust, confided to them for the public good, and therefore to be exercised for the public good, with strict adherence to integrity, and according to the pure dictates of conscience. Their attention is to be most particularly directed to the nature and obligation of the oaths which are to be administered to them—the oath of qualification, and the oath against bribery."

Now neither he nor any of their Lordships would be disposed to say one word against the fitness of giving proper instructions in such cases; but it might be well, that their Lordships should be acquainted with the sort of instructions there alluded to. The object palpably was to render it necessary for those persons to consult their spiritual guides as to the selection of the candidates who would best promote the interests of the country. It was only necessary for that purpose to satisfy them, that that was a religious duty; because he need not tell their Lordships that with Román Catholics in all matters of religion, their duty must be learned from their priests. Being, therefore, satisfied upon the first point, they had only to support the pretensions of such candidates as, in the presumption of the priests, would best promote the good of the country. A placard, headed, "The sanctity of an oath," had been put about by these priests, and had been produced before the Committee of the House of Commons on Bribery, from the Report of which he had been reading by the chief constable of police. The placard ran thus:—

"The doctrine of the Catholic Church teaches, that the elector is bound in conscience to support the candidate whom he disinterestedly and dispassionately judges to be more worthy of trust, and who will more promote the public good; this is obvious, as the franchise is given, not for his own private advantage, but for the good of the community.

"Every oath ought to be taken in truth, justice and necessity. And any oath taken in order to commit a sinful act is a profanation of its sanctity.

"From these doctrines these consequences naturally follow—

"Any person who votes for the candidate whom he believes less worthy and less calculated to advance the general good is guilty of sin, because he commits an act of injustice against the public interest.

"Any person who swears, though his oath be true, in order to enable him to give such a sinful vote, adds to the act of injustice the crime of gross profanation, because he invokes the holy name of God for the purpose of violating a moral duty, which violation is condemned, or ought to be condemned, by his conscience.

"According to the terms of the bribery oath, it is obvious that any person having received, or had directly or indirectly any gift or reward, or any promise for any money, office, or employment, in order to give his vote at an election, cannot swear in truth; and if he do swear he calls upon the holy name of God to bear testimony to a falsehood, and is guilty of the horrid crime of perjury.

"WM. BRENNAN,
"JAMES CRANE,
"PATRICK MURPHY,
"JOHN FURLONG,
"FRANCIS DOYLE,
"GEORGE CHAPMAN,
"PATRICK KELLY."

That placard was issued in 1835, and he need not remind their Lordships of the conduct of the priests during that election; in how many counties had they interfered to compel the unhappy voters to vote at their direction by denouncing threats from the altar, as was abundantly proved before the Bribery Committee, and by threatening them with every species of spiritual terror if they did not concur with the priests in the selection of candidates. A few months after that period the Bishop of Malta made his application to the court of Rome; and here was a circumstance a little remarkable: the letter of the Bishop of Malta was received in February, 1836. In the spring of that year Dr. Murray visited Rome, stayed there several months, and it was inconceivable that, having remained for so long a time, and having had frequent interviews with the Pope and Cardinals then, he had not been made acquainted with that application. He must have known that the Pope, in answer to that application, had said, that the oath was not approved of; and he must have known, that if the Pope had so declared of that oath, no Roman Catholic would any longer consider it binding on his conscience, because he must consult his spiritual superiors unless the matter were absolutely clear to his own mind; for he did not mean to contend, that if the sanctity of the oath were absolutely clear to the mind of the individual then he must apply to the priests; and if there existed in his mind the slightest doubt, even though that doubt were excited by the expression of the Pope's opinion, he was bound to consult his spiritual superiors. Plainly, therefore, from that moment, no Roman Catholic would consider the oath binding on his conscience. Now, it was a remarkable thing that Dr. Murray, immediately on his return from that visit to Rome on the 4th of October, 1836, for the first time, having until then, distinctly and manfully opposed the system of agitation in that country, gave in his adhesion to the General Association; and on the 5th published a pastoral letter to the clergy of his diocese, in which, after speaking of the Pope's special regard for his dear children in Ireland, and commenting on some observations which had been made upon himself by some Protestant clergymen, he made the following remarks:—

"It was not God; it was an object of a more attractive devotion that inspired their zeal; the tithe—the blood-stained tithe—was thought to be in danger of suffering some diminution for the purpose of effecting a more extensive good."

Then, for the first time, he called the tithes bloodstained; for, in the evidence which that same individual had given before their Lordships' Committee, in 1835, he had spoken with great respect of the right of the clergy to tithes. The peculiar words, too, which he then used—"for the purpose of effecting a more extensive good," appeared to have been suggested to the mind of Dr. Murray by one of the causes which tended to put an end to the obligation of oaths. In one of the class-books at Maynooth, under the head "Theologia Moralis," was the following:—

"'Baily Theod. Moral,' v. 2, p. 119, recounting the same reasons which prevent an oath from having any obligation, mentions as the 3rd the hindering of a greater good opposed to the thing promised by the oath. *Causæ impedimentes obligationem juramenti. 3d. Causa est impeditio majoris boni oppositi rei per juramentum promissæ.*"

There could be no doubt that that had suggested to the mind of Dr. Murray to say that tithes might be diminished for the purpose of effecting a more extensive good; and if that were the case, according to the doctrine laid down in the class-book which he had quoted, any Roman

Catholic would be at perfect liberty to use any means in his power to diminish tithes. His argument was supported also by a well-known fact with respect to another Catholic Bishop—(the Bishop of Ossory) who had violated a promise made to Major Bryan. That gentleman had given the following account of the transaction :—

> " Reports having been most industriously circulated, in order to injure the Roman Catholic Committee for the county and city of Kilkenny in the estimation of their Roman Catholic brethren, I feel myself called upon to lay the following statement before the public: —On the 17th of October last, the Committee met, and voted addresses to Lords Fingall and Grenville, and to Messrs. Grattan and Ponsonby. It was then thought advisable to apply to Dr. Lanigan, the titular Bishop of Ossory, for his signature. We, in consequence, sent him a deputation for that purpose, and adjourned until the 20th, in order to give him time to consider of the answer he might think proper to return. On the 20th we accordingly again met, when the deputation reported to us, that the Bishop had promised to sign our addresses. What then must have been our astonishment to find, that on the 22nd, he refused to fulfil his solemn promise given to our deputation? I cannot avoid saying, that the manner in which Dr. Lanigan has acted on this occasion, convinces me more than ever how very necessary it is, that the Crown should have a veto on the nomination of Irish Roman Catholic Bishops.
>
> " GEORGE BRYAN.
>
> " Chairman of the Roman Catholic committee for the city and county of Kilkenny.
>
> " Jenkinstown, Nov. 4, 1808."

These circumstances had been published as a reproach to that bishop, who consequently wrote an answer, in which he thus proceeded to vindicate his sense of the sacredness of an oath ·—

> " I am convinced that a serious, sincere, and voluntary promise, binds a man who makes it, under pain of sin, to fulfil it. But I am likewise convinced, that the obligation arising from a promise ceases in the following cases: 1st. If a man promises a thing impossible; for no one can be bound to do a thing impossible. 2d. If a man promises to do anything sinful or unlawful; for no promise, though confirmed by an oath, can bind a man to commit sin. 3d. When a person in whose favour a promise is made releases the promiser from the promise he has made. 4th. When a man promises a thing pernicious or useless to the person in whose favour the promise is made. 5th. When, before the promise is fulfilled, the circumstances become so changed, that the person promising, had he foreseen these circumstances, would never have made the promise. On this I rest my justification; for had I foreseen or known, that my signing these addresses would produce such alarm and consternation, such dislike and disapprobation, as I afterwards found they would in the minds of the great majority of the Catholic Priests and laity in this city, I would by no means have consented to sign them. St. Thomas saith, 'That a man is not guilty of an untruth in such a case; because, when he promised, he intended to perform his promise. Nor is he unfaithful to his promise, because the circumstances are changed.' This is not only the opinion of St. Thomas, but is also the opinion of all the theologians and canonists I ever saw or read.
>
> " JAMES LANIGAN.
>
> " Kilkenny, Nov. 8, 1808."

Then they had the authentative declaration of a Roman Catholic Bishop as to what he thought of the binding nature of the oath, viz., that it might cease to bind at all if the circumstances under which it was taken were to change. It was remarkable that the string of causes for putting an end to the binding nature of an oath was not taken from the class-books at Maynooth, but from a book of which their Lordships had heard much—it was taken from Dens. Here, then, they had an instance of the adoption, not only of the course of reasoning, but of the very words of that author. It was painful to him to make these remarks on the bishops and clergy of another communion; but it was a duty from which he would not shrink, for he felt it to be deeply important that their Lordships should see the real causes of the tremendous demoralization of that country; it was to the directions of the priesthood, and the mandates of the bishops, that they must refer that utter disregard of the sanctity of an oath, and the entire inattention to all that had been deemed sacred in life. He need not tell their Lordships what was the power of the priests—not merely in the confessions, but where they dogmatically announced the principles of morals by which the conduct of the people was to be governed. He would tell their Lordships the difference between the authority of the priesthood of the Church of Rome and that of the Church of England. The laity of the Church of England might, if they pleased, in cases of doubt and difficulty, in which conflicting duties and difficulties arose, and upon which they could not satisfy their own consciences—they might, if they chose, have recourse to any of the clergy; and probably many persons, in such a situation, would be glad to take the advice of their spiritual guide; but still they would be taught by that pastor, and they would know themselves, for they could never have heard anything of a contrary tendency from that Church—they would then know themselves, and be taught by that pastor, that the responsibility was still their own; the pastor was ever ready to give all the advice that he could, and to instruct any one as far as he was able in the course which he ought to pursue; but, at the same time, the applicant knew that it was his own conscience—his own soul—that was in peril. Not so with the Church of Rome. The priesthood of that Church told its adherents it was their duty in all cases of doubt, to consult their spiritual superiors, and to act on their directions; and that, if they did so act, they freed themselves from all responsibility. That responsibility then rested on the priesthood, and that responsibility they were ready to bear. That was the great difference in the authority of the priesthood of the two Churches. That that was so, he would prove from very authentic documents; and, 1st, he would call attention to the conclusion of one of the class-books at Maynooth, which was to be found in the evidence of the Archbishop of Dublin, before their Lordships' Committee in 1825; and as it was written in rather barbarous Latin, their Lordships would perhaps, pardon him for reading a translation. Having referred to the unfortunate state of the Protestants in being responsible for themselves at the day of judgment, the document proceeded:—

"But how different will be the lot of the Catholic, although (which be it far from him to believe) he may have fallen into error, by obeying the decrees of the church concerning doctrine. If the Supreme Judge questioned him on this subject, would he not confidently reply, 'Lord, if that be error, which we have followed, thou thyself hast deceived us by thy so-oft repeated precept to hear the Church as Thee, unless we would have our portion with the heathens? Thou thyself hast deceived us by thy Apostles, by the pastors and doctors whom thou hast appointed in thy Church for the perfecting of the Saints, and the edifying of thy body, who commanded us so to do. Thou thyself hast deceived us by thy Church, called by Paul the pillar and ground of truth; for she has always exacted of her children an entire assent in heart and mind, menacing against rebels, in thy name, an everlasting anathema. Conscious, alas! of our ignorance in divine things, and of the infirmity of human reason, how could we, in searching the Scriptures, rely upon ourselves, and despise so conspicuous an authority? We say with confidence, O Lord! if that be error which we have followed, thou thyself hast deceived us, and we are excused.'"

Then followed the application of the principle:—

"Withdrawing himself from all the prejudices of birth, or education, or circumstances, let the reader imagine that he is summoned to appear to-morrow before the tribunal of God, and give a reason for his faith, and let him determine then what answer prudence would direct him to adopt—the answer of the Protestant or that of the Catholic."

He thought then, that what he had now said, made it apparent, that at present the Church of England was left absolutely without any security, so far as the Roman Catholics were concerned; that there was nothing to prevent the employment of powers which a too confiding Legislature had granted, to the utter destruction of all the institutions which they had sworn to maintain. It was plain that at present not only was the Roman Catholic hierarchy and priesthood released from the obligation of oaths, but they were bound in conscience to attack and destroy, if they could, those very institutions. All that, he said, was plain, from the evidence produced, and from the words of the individuals themselves; and then came the awful question—for an awful question it was—what was to be done? The petitioners, from whom he had had the honour to present a petition that night, called on their Lordships to repeal the Act of 1829. Was that the course which wisdom required them to pursue? He respected those individuals highly—he entertained the highest respect for their opinions—and if it were merely a question of what the Roman Catholics of Ireland merited, he should say, they were right in demanding the repeal of that measure; but that, he was bound to say, was not the only consideration. Would the Church in Ireland be really protected by such an Act? He said, "Ireland," because, thank God, in England they had nothing to apprehend from the Roman Catholics who had obtained seats in either House of Parliament; and it would be, in his mind, therefore, a violation of the compact with those noble Lords and hon. Gentlemen in this country who had faithfully adhered to their obligations—it would be a breach of faith towards them to deprive them of the benefit of a contract which they had faithfully observed. But it was not so in Ireland. There they saw that the priesthood had effectually laboured to remove every sense of the sacredness of an oath, and, therefore, as far as they were concerned, justice would sanction, if not demand the repeal of the statute, or the imposition of some more availing restraint. However, though justice might sanction the measure, would true wisdom demand it? He would frankly state that, as at present advised, he thought it would not; in the first place, because it was apparent that if Roman Catholics could no longer be elected as representatives of the Irish constituencies, and the same power was left in the hands of the priesthood, and the hierarchy, the only result would be to transfer the scandal of perjury from the Church of Rome to that of England; for the priesthood would find worthless men calling themselves Protestants, who would be ready in Parliament to do the bidding of the Priests who sent them there, and these men would sit in the places vacated by the Roman Catholic Members. Thus nothing could be gained by the repeal of that law, but the transference of the scandal of perjury from the one Church to the other. In dealing with a Church which was disposed to set at nought all the obligations of an oath, it was necessary that some new test should be created; it had been proved by experience two centuries ago, that no test could bind that Church which did not include the denial of some essential article of their faith; such a test had proved effectual until the year 1829; and such a test must be readopted if they intended to repeal the Act of that year. Again, it would be absolutely necessary to exclude all the Roman Catholic constituencies from the power of voting, for if they did not do that, the step could only be productive of mischief. If they were not prepared to go all that length, they must look for some other means of checking the evil. What must that be? If they were again to impose some religious test, the feelings of religious men of all denominations, would be enlisted against them; because they would consider it harsh that men should be kept out of the enjoyment of civil rights in consequence of their conscientious belief in any doctrine. That was the principal cause why, at length the measure of 1829 was forced on Parliament; because a very large portion of really religious men thought it cruel for the sake of conscientious scruples to exclude a large class of persons from civil privileges. He apprehended, too, that it would be found difficult, if not impossible, to obtain a statute to that extent; and even if it could be obtained, he was very doubtful whether it would be desirable. Under those circumstances, and with that view of the case, he was not one of those who thought an attempt should be made to exclude the Catholics by religious tests. But there was one obvious mode by which much good might be done to protect the Church of England in Ireland; and in what he was about to say, he could assure the House that he intended to convey no taunt, nor to speak in reference to things which had lately passed, or even in reference to what might be his own opinion upon the conduct of the present Government, but he was convinced that the only mode by which they could retard the mischiefs arising from that perjury, sanctified by the behests of the Roman Catholic hierarchy, was this, that the Government of this country should conscientiously, uniformly, manfully, do its duty, in protecting the Church of England in Ireland. That the Government had incalculable opportunities and means could not be denied, and he need scarcely say that especial care should be taken with regard to all the appointments that were made, not merely in the church, but in every department of the State, that, even if they were not made on distinctly religious considerations, still no one at least should be appointed who could for a moment be expected to use his power to the injury of the true religion of that country. That would be an effectual and powerful protection to the church, and would it be denied that that was the duty of the Government? He was sure that the noble Lord (Glenelg), who then alone, of all the Ministers sat on that bench, would be of opinion that it was the duty of the Government to protect the church by the most energetic and decisive means consistent with justice to all her Majesty's subjects. But it was the duty of the Government on higher considerations. He need not remind their Lordships that the oath of the Roman Catholics was not the only security for the Protestant Church in that country. They had another oath, which was binding in a quarter, in which they were perfectly sure, that the sanctity of an oath would be felt, acknowledged, and obeyed, most scrupulously and conscientiously. They had the coronation oath; and that oath would soon be taken by the illustrious lady, who was now placed by Providence at the head of this kingdom; and that she should ever be induced to do anything in contravention of that oath was absolutely impossible—it was not even to be thought of for an instant. They also had another oath, which ought to be a great security, and which he was confident, in the instance of the noble Lord who sat near him, would be a great security; he meant the oath taken by Privy Councillors, who were to advise her Majesty faithfully on all matters; and was it possible, that they could advise a Sovereign, who was bound by the most solemn ties to maintain to the uttermost of her power, the Protestant religion as by law established—was it possible lor faithful councillors, to advise her Majesty knowingly, to do anything in contradiction to that oath? Could they advise her to make a single appointment, which, whatever might be its object, had a manifest tendency to weaken the true religion in Ireland? He was sure it was not necessary to remind the noble Baron of it, but he would say, that the necessity of attending strictly to the obligations of the oath of Privy Councillors, was incalculably augmented by the state of circumstances in Ireland; for if such were the state of demoralization in respect to the sanctity of oaths, that the Established Church was deprived of the security intended, was it not clear that it was the bounden duty of the Government to take every step in its power, consistently with a due regard to a consideration of justice, to all classes of the community, to take every step to secure the integrity of that Church? Feeling that to be the case, he believed that the Government would also feel it to be its duty, and if he had been fortunate enough to bring before them any facts which would place in a more clear light, the danger of the Established Church, that they would feel it to be their increased duty, to perform all that the Church could demand for her protection and security: and he hoped that the papers for which he should now move, and the production of which would not, he believed, be opposed, might be the means of drawing their attention to the peculiar nature of that subject. The right rev. Prelate concluded by moving, that "an humble address be presented to her Majesty, praying that she will be graciously pleased to direct that there be laid on the table of the House a copy of any despatch from the Governor or acting Lieutenant-Governor of the island of Malta to his late Majesty's Secretary of State for the Colonial Department, respecting the appointment of the Bishop of Malta to be a Member of the Council of Government of that island: and also of any despatch announcing the refusal of the said Bishop to take the oath required by law to be taken by him on the acceptance of such appointment, and his resignation of the same; together with any documents received from the said Bishop on occasion of such his refusal and resignation.

Lord *Glenelg* only rose to confirm the right rev. Prelate's anticipations that no opposition would be offered to his motion. He did not think it necessary to enter into the controversial questions discussed by the right rev. Prelate, or on the extensive subjects of national importance to which he had called their Lordships' attention. It was from no want of respect to the right rev. Prelate that he declined to follow him through his speech on this occasion; but he would venture to suggest, that it was advisable to bring such great questions forward on some substantive motion, rather than to introduce them incidentally, when the House was not prepared for the subject. He could not but regret that such great questions, involving the repeal of laws which had created great excitement, should be thus discussed, because, after all, the right rev. Prelate had brought them to no particular conclusion, but had left them in a state of absolute despair. He hoped the right rev. Prelate would pardon him for saying that he did not concur with him in some points, although that was not the occasion to enter on the subject.

The Earl of *Shrewsbury* concurred in the opinion that such discussions as the present were inexpedient; but he begged leave to say one word. He was fully and solemnly convinced that these cases which had been extracted from the class books did not at all apply to the present question; they never had been in any case applied as the right rev. Prelate had applied them that night. With regard to the Bishop of Malta, it was the first time that he had heard of any decision of the court of Rome in that case; but he supposed the right rev. Prelate stated it on good authority. He was not certainly surprised at the difficulty entertained by the Bishop of Malta, because that Bishop was not in circumstances to understand it—to know the *animus* and intention with which the oath had been imposed. For his own part, he was free to acknowledge that he disliked that oath; he disliked it because he was sure it was altogether unnecessary, because it served to perpetuate distinctions, because it constantly exposed persons to the most revolting aspersions in and out of Parliament; not, indeed, brought forward in the heat of debate, but after cool and calm consideration—in printed speeches and printed charges from some of the most dignified Members of that House—arraigning the conduct of the Catholic Members in what they considered to be the honourable discharge of their official duty. Thus were they held up to the contempt of their fellow-countrymen. He could not but think that it would be quite sufficient, under the circumstances, for the right rev. Prelate to be the keeper of his own conscience, and not to wish to keep the consciences of others. He did not wish to prolong the debate; but he begged leave again to protest against the application of these extracts from the thesis to the present subject.

The Bishop of *Exeter* would only make one remark in reply to the observations of the noble Earl. He was peculiarly unfortunate if he had said anything which could have accounted for the misapprehension of the noble Earl. He had not made any charge of any breach of moral duty against the noble Earl, or any noble Lord who sat in that House. Over and over again he had proclaimed his entire confidence in their scrupulous observance of their obligations; and that night he had extended that opinion to the Roman Catholics of England generally—not universally—because he believed there might be one or more, but certainly there were very few of whom he did not entertain that high opinion. Nothing could have been further from his intention than to have conveyed the impression produced on the mind of the noble Earl; and that noble Earl had certainly mistaken him. As to the subject itself, he would only say, that he thought a more important one could not be brought before that House or the country.

Motion agreed to.

Amendment of the Slavery Abolition Act.] Lord *Glenelg* moved that this Bill be read a third time.

The Duke of *Richmond* wished to ask his noble Friend whether the papers which he had placed in his hand, had satisfied him of the existence of practices at the Cape of Good Hope to which he had called his attention on a former occasion, and he wished to ask his noble Friend whether he had made up his mind as to the course which he ought to pursue with respect to those facts to which he had called his attention?

Lord *Glenelg* had received no official intimation on the subject, and until he had had the papers kindly placed in his hands by his noble Friend, he was not aware of the existence of those evils. He would be glad if it was possible to place any check on those evils by the introduction of a clause into this Bill; but, in point of fact, the practices to which his noble Friend had called his attention were already punishable as felony by the existing law, and he could conceive no more effectual check than that. However, he would willingly concur in any means that might be devised to check the practice referred to and punish its perpetrators.

The Duke of *Richmond* suggested that a clause might be added to the present Bill, authorising the Governor in Council to call on the planters to find bail that they would account for the apprentices, and for what might have become of them at the period of the termination of their apprenticeship.

Lord *Glenelg* would consider the proposition. He had no present objection to the course suggested.

Bill read a third time.

HOUSE OF COMMONS,

Tuesday, March 27, 1838.

Minutes.] Petitions presented. By Mr. Lushington, from Thomas Clarkson, by Sir G. Strickland, General Johnson, Mr. Brotherton, Mr. Pease, Mr. Thornley, Mr. Baines, Mr. Aglionby, and Mr. Hodges, from a number of places, and by Mr. C. Whitley Dundas, from St. Asaph, and Holywell, for the abolition of Negro Apprenticeship.—By Sir R. Bateson, from Dealers in Linen in Antrim and Londonderry, for the protection of Irish Linen; and from places in Londonderry, against the Irish Poor-law Bill, and against the system of National Education in Ireland.—By Mr. Law Hodges, from the of various parishes in Kent, in support of the New Poor-law.—By Colonel CONOLLY, from a place in Donegal, against the system of Education in Ireland.—By Mr. BINGHAM BARING, from the Clergy of Stamford, against the Union of the Bishoprics of Sodor and Man.—By Mr. LEFROY, from a place in the county of Down, for the re-establishment of the suppressed Irish Bishoprics.

MUNICIPAL CORPORATIONS AND TITHES (IRELAND).] Lord *John Russell:* I beg to ask the right hon. Gentleman opposite, with a view to the arrangement of the business of the House, to furnish me with an answer to the question which I took the liberty of putting on Friday, as to whether it be the intention of the noble Member for Lancashire, as on former occasions, or whether it be the intention of any other Member on the opposite side of the House, to move an instruction to the Committee on the Irish Municipal Corporations Bill, authorising the total abolition of the Irish Municipal Corporations.

Sir *Robert Peel:* Sir, as I have been for some years past rather in the habit of administering than answering questions, the noble Lord will not be surprised that I am desirous, for a few moments, of assuming the position which is somewhat more familiar to me, that of putting a question to the noble Lord. I do not this merely for the purpose of taking a lesson from the more practical experience of the noble Lord in answering questions, but because the answer which the noble Lord may give to my question may be important, and may enable me to give a more definite and satisfactory answer to the question which he has put to me, and to which I have promised to reply. The question which I wish to put to the noble Lord is, what course it is the intention of her Majesty's Government to pursue with respect to the Irish Tithe Bill and the interest of the Irish Church? It is now considerably more than four months since the attention of Parliament was formally directed to this question. In the month of November last year, on the meeting of Parliament, her Majesty directed the attention of the House of Commons and of the House of Lords to three questions relating to the domestic policy of Ireland. First, to the expediency of making a provision for the poor of Ireland, by means of a compulsory enactment of Poor-laws; secondly, to the necessity of effecting some reform in the municipal corporations of Ireland; and, thirdly, her Majesty expressed a strong opinion, that it was very desirable to make an alteration in the law which regulated the collection of Irish tithes. To that speech the House responded, by assuring her Majesty, in an address to which we unanimously agreed, first, that "we should deem it our duty to consult whether it might not be safe and wise to establish by law some well-regulated means of relief for the destitute of Ireland;" secondly, that "we were very sensible that the municipal Government of the cities and towns in Ireland called for better regulation;" and thirdly, that "we entirely agreed with her Majesty that the laws which governed the collection of the tithe composition in Ireland required revision and amendment." We also assured her Majesty, that "we were deeply sensible of the importance of those questions which her Majesty had committed to us, and of the necessity of treating them in that spirit of impartiality and justice which afforded the best hope of bringing them to a happy and useful termination." Now, as more than four months have elapsed since that speech was delivered, and as it has been hitherto the uniform custom that her Majesty's Ministers have not advised their Sovereign to introduce in the speech from the throne matters with respect to which their minds were not made up and the measures prepared, I conclude I may assume that her Majesty's Government have made up their minds with respect to the tithe measure for Ireland, and that when that address was voted they were determined at least as to what they would propose as the principle of the measure. I find entered on the journals of Parliament these resolutions, and they may be considered as still being in force. ["*Question!*"] I did not seek this. The position in which I am placed is rather an unusual one. I am endeavouring to lay the foundation of an answer to the question of the noble Lord. I say I find these resolutions on the journals of the House:—

> "That this House resolve itself into a Committee of the whole House to consider the Temporalities of the Church of Ireland."
>
> "That it is the opinion of this Committee that any surplus which may remain, after fully providing for the spiritual instruction of the members of the Established Church in Ireland, ought to be applied locally to the general education of all classes of Christians."

These resolutions were voted by a former House of Commons at the instance of the noble Lord, who now is the leader of the

House, and coupling them with the speech from the Throne, I think myself entitled, after the lapse of four months, to put this question to the noble Lord, whether it is his intention to bring forward any measure with respect to Irish tithes, and whether it will involve the principle contained in these resolutions? Having received an answer from the noble Lord, I will then proceed to the fulfilment of that duty, which, as I said before, is not very familiar to me, but which the answer of the noble Lord will certainly impose on me.

Lord *John Russell:* The House will see that, as the right hon. Gentleman, in putting his question to me, has gone into some detail, it will be necessary for me to go to a greater length than would otherwise have been requisite in answering him; but, to put myself within the rules of the House, I shall now move, that the House resolve itself into a Committee to take into consideration the question of Irish tithes on a certain day, to be hereafter named. The right hon. Gentleman has stated, that four months have elapsed, and that no measure has been brought forward with respect to Irish tithes. It does appear to me that it is the better course; and the more I consider all that passed last year, the more I am confirmed in that opinion, that the House should give its attention, as much as possible, to certain measures that are brought forward; that we should dispose of those measures in as short a time as we are able, in order to send them to the House of Lords, so that that branch of the Legislature may, from time to time, have them under its consideration; and that we should not be obliged to send to them all our measures at the same time, and thus subject them to the unpleasant necessity either of rejecting them, or of entertaining them when, according to their declarations, there is not sufficient time to give them a separate and due consideration. In illustration of what I have stated, I beg to say, that the first measure recommended by her Majesty to the serious consideration of Parliament, viz., the Poor Relief (Ireland) Bill, has been seriously considered, not only on the second reading, but during ten nights that it has been in the Committee. I do not think, then, it can be said either that the recommendations made by her Majesty to this House have been neglected, or that it would have been wise to interrupt the progress of the Poor-law for Ireland by the introduction of any other. With respect to the question of Irish tithes, it stands in this very peculiar situation—that it has now been, during four years, under the consideration of Parliament. In the year 1834, a bill was sent from this House, and was rejected by the House of Lords. In the year 1835, a bill was sent from this House, and was so altered in its principal provisions, that it was not proceeded with in the House of Lords. In the year 1836, a bill for the same purpose was framed, and having been curtailed of a great number of its provisions—more than half—by the House of Lords, this House rejected the amendments, and, in consequence, no legislative measure on the subject was passed. In the year 1837, another measure was introduced, and, in an early stage of that bill, my noble Friend, the Member for North Lancashire (Lord Stanley), declared, that unless the House agreed with him in altering certain provisions of the bill, he would oppose it on the third reading. I considered that declaration as signifying, that those who took the same view he did of this measure in the House of Lords would be disposed to oppose and reject this bill. Now, Sir, I am quite ready to declare, that I do not think it wise, whether with reference to the interests of legislation, or to the respect due to the different branches of the legislature, or to the interests of the parties concerned, of those who describe themselves, as the exclusive representatives of the Church of Ireland, as well as of those who are the supporters of the measure, that this fruitless contest should be carried on by both Houses of Parliament. Therefore, it is the anxious wish of her Majesty's Government, in proposing a measure relative to tithes during the present year, to propose it on a ground altogether new. Whether that ground will be satisfactory or not, I cannot say, but I hope it may be considered worthy to form the basis of an adjustment, and prevent the ill-consequences of perpetuating the conflicting views entertained in this and in the other House of Parliament this exciting subject. I think, also, it is the duty of her Majesty's Government, in bringing forward the question again, after all that has taken place concerning it, that, as far as may be in their power, they should propose a comprehensive measure, and one which, if carried, will give that, without which I consider that no measure can be comprehensive and final, viz.: on the one hand, security to the Irish Church; and on the other, to the people of Ireland. It is with these views I mean to give notice that on the 30th of April this question will be introduced to the House; and I have also to state that the nature of the measure I have to propose is such, that it will not be possible to introduce it by the same kind of general resolution by which we introduced the measure of former years, but it will be necessary to take the sense of the House on various resolutions, as the groundwork of the measure. I think it, therefore, my duty to state what those resolutions will be; I consider it my duty to state them, that the House may have a general view of the nature of the bill it is intended to propose. At the same time that I declare it to be the anxious wish of her Majesty's Government to come to a settlement of this question, I must say, that I do conceive there is at present in Ireland, on the part of those, who, in former years have opposed its settlement, a great and growing anxiety to see it set at rest; and I do think that it will be for the advantage not only of that party but of Parliament, and also of the people of Ireland, that the question should be finally disposed of. In addition to these few words, I have only further to say that I certainly have observed, since the beginning of the Session, that some petitions have been presented to this House which have stated that the clergy are satisfied with the existing state of things: but, on the other hand, meetings have been held at which a contrary feeling has been expressed. If there be a wish for a settlement I do not think it is impracticable; but if, on the contrary, it is the opinion of the parties most interested that it would be better for the present law to be allowed to operate without any alteration, in that case, perhaps, Parliament will not consider it the duty of her Majesty's Government to propose any measure for the permanent settlement of the whole question. I will now read the resolutions which I propose to move on the day that the question is brought forward. The noble Lord read the following resolutions:—

"1. That it is the opinion of this Committee, that Tithe Composition in Ireland should be commuted into a rent-charge at the rate of seven-tenths of their amount, to be charged on the owner of the first estate of inheritance.

"2. That it is the opinion of this Committee, that on the expiration of existing interests, so much of such rent-charge as shall be payable in lieu of Ecclesiastical Tithe, should be purchased by the State, at the rate of sixteen years' purchase of the original Tithe Composition.

"3. That it is the opinion of this Committee, that the Ecclesiastical Commissioners for Ireland should be empowered, with the consent of the Incumbents, to demand from the State the purchase at the same rate of any other portion of Ecclesiastical Tithe Composition or Rent Charge, not exceeding one-tenth of the whole amount in any one year.

"4. That it is the opinion of this Committee, that until such Rent Charge shall be purchased or redeemed, the amount of Ecclesiastical Rent-Charge and Ministers' Money, should be paid to the Incumbents from the Consolidated Fund.

"5. That it is the opinion of this Committee, that the arrangement of such payments, and the investment of the purchase monies paid by the State for Ecclesiastical Rent-Charge, should be intrusted to the Ecclesiastical Commissioners for Ireland.

"6. That it is the opinion of this Committee, that the Rent-Charges for Ecclesiastical Tithe should be appropriated by law to certain local charges now defrayed out of the Consolidated Fund, and to Education; the surplus to form part of the Consolidated Fund.

"7. That it is the opinion of this Committee, that the Rent-Charges for Ecclesiastical Tithe and Ministers' Money should be collected by the Commissioners of Woods and Forests for five years and until Parliament shall otherwise provide.

"8. That it is the opinion of this Committee, that further provision should be made by law for the regulation of Ecclesiastical Duties, and the better distribution of Ecclesiastical Revenues in Ireland.

"9. That it is the opinion of this Committee, that provision should be made for the revision of certain Tithe Compositions, where such Compositions operate with injustice.

"10. That it is the opinion of this Committee, that the Rent-Charges for Lay Tithe should be collected by the Tithe-owner, and facilities afforded for redemption upon mutual agreement between the parties."

I propose that these resolutions be printed, and, in conclusion, beg to give notice, that, on the 30th of April, I shall bring the subject under the consideration of the House.

Sir *R. Peel:* I will, in the first place, thank the noble Lord for the frank declaration he has made of the intentions of her Majesty's Government, and also for the proof he has afforded, that the question I asked was the natural course for me to take, inasmuch as, without any previous concert with me, he was prepared to give me an answer to my question. The noble Lord has exempted me from the necessity of giving an answer to his question, yet, as far as in my power, I will do so. The question he asked was, whether or no in moving that the House resolve itself into Committee on the Municipal Corporations Bill, the particular motion made in the two preceding years, that the Bill be separated, will be renewed. I will first observe, that I think there might be some force in the noble Lord's argument that it is desirable to proceed with one measure at a time, if the noble Lord had steadily adhered to that principle: but he did not content himself with bringing forward the Poor Relief Bill for Ireland; in bringing forward that measure he did not withhold his intentions with respect to the Municipal Corporations Bill; on the contrary, it would be recollected that to resolve some doubts and relieve some anxiety on the part of his friends, he accompanied the Poor-law Bill with the measure respecting the Municipal Corporations. On that ground, then, I think we have a right to claim to be placed on a similar footing as regards the measure relating to Irish tithes. Of course the noble Lord will not understand me to imply any opinion as to these resolutions by any observations that I may now make. I fully participate in that which was expressed by a noble Friend of mine in the other House at the close of the last Session. He said he wished it might be found possible for Parliament to come to some final, satisfactory settlement of this question. There is a prospect of coming to a settlement, I trust, with respect to the Irish Poor-law Bill. I for one wish it may be possible to come to a settlement with respect to the Irish Corporations Bill, and the Bill relating to the Irish Church; but I feel myself bound to say, what indeed I always have said on this question, that security for the Irish Church must be an essential condition of any such settlement. This was the opinion I expressed on the third reading of the Municipal Corporations Bill. I trust the noble Lord will himself see that it is desirable the Committee cn the Irish Municipal Bill should be postponed till the sense of the House has been pronounced on the resolutions. If he proposes to go into Committee on the Municipal Bill previous to the sense of the House being pronounced on those resotions, the course I shall take will be to move, not an instruction to the Committee for the separation of the Bill, as has been moved on former occasions, but that the Committee be postponed till after the sense of the House shall have been taken on the resolutions. I trust that the noble Lord will feel that this is a distinct intimation on my part of the course I intend to pursue. With respect to these resolutions I mean to imply no opinion whatever; and I beg that I may be considered as giving no pledge whatever with respect to the Irish Municipal Corporations Bill other than that general one, of an earnest desire to see that question settled, and that Irish subjects shall not be the constant themes of party conflicts. With respect to the matters of detail, such as the extent to which the principle shall be carried, the value that shall regulate the qualifications of the officers and what shall constitute the qualifications of the voters, on those questions I reserve myself. I am merely speaking as to the general principle which will actuate the course I shall pursue.

Resolutions to be printed.

FOREIGN POLICY (SPAIN).] Lord *Eliot* rose, in pursuance of his notice, to call the attention of the House to the Order in Council authorising the employment of the subjects of this realm in the service of her Catholic Majesty. In doing so, he should find it necessary to bring under their consideration the general policy pursued towards Spain by her Majesty's Government. He trusted that, in the discussion into which he was about to enter, he should be able to discharge his own duty without either acrimony or violence, and that he should not use any expression which would betray a want of good feeling towards the members of her Majesty's Government. Were he to be guilty of any such want of respect to the noble Lord at the head of the Foreign Department, he should display a great want of civility, as from that noble Lord he had himself received nothing but kindness and attention. On his return from Spain, that noble Lord was at the head of the Foreign Department of his late Majesty's Government; and was, therefore, from his situation the judge of his conduct in the political mission which he had returned from discharging. The noble Lord had instantly signified to him his cordial approbation of the manner in which he had performed the duties of the mission intrusted to his care. He, therefore, hoped that he should say nothing which would be inconsistent with the kindness which he had received from the noble Lord, whilst expressing his conviction that the policy of the noble Lord had not been advantageous either to Spain, which he wished to assist, or to England, with the foreign interests, of which he was specially intrusted. He was well aware of the difficulties of the task which he had undertaken—he was well aware of the ability with which this subject had been discussed heretofore, both within the walls of Parliament and by the public; but the House would recollect that it was not only bound to express its opinion on the past conduct, but also to consult on the future proceedings of her Majesty's Government. The House had not hitherto been called upon for an opinion on the latter subject, and that circumstance must be his excuse for now bringing it specifically under consideration. He knew that he should be met in the outset by the imputation, that he and the hon. Friends with whom he had the honour of acting were partisans of Don Carlos and abettors of despotism. He and his friends were not more justly liable to that imputation than the hon. Gentlemen opposite were to the charge of being abettors of anarchy and mob law, and participators in the massacres which had taken place at Barcelona, Malaga, and Madrid. He could assure such Gentlemen as might be inclined to make that imputation against him, that, owing to his having been some time in Spain, and to his taking a deep interest in every thing which affected the prosperity of that country, no man was more anxious than he was to see a mild and temperate, but yet a strong, Government established in that country. He said a strong Government—for the evils which afflicted that country were undoubtedly owing to the want of strength in the Government which was intrusted with the administration of its affairs. Unfortunately, that Government was not able to depend upon the law, and, therefore, it was obliged to support itself by the aid of party feelings and political prejudices; and, yet no country was better qualified than Spain to enjoy tranquillity and prosperity under a constitution possessing a strong executive, protected by those safeguards for individual liberty, without which no man's person or property was safe. For his own part, he thought that the Cortes of 1823 had lost the fairest opportunity that had ever been offered to men of establishing, in that country, a Government adapted to all the wants and wishes of the people of Spain. It was not necessary, he thought, for him, on the present occasion, to enter into any long retrospect of the history of Spain prior to the bursting out of the present civil war. It was well known that the Salic law had been introduced into that country by an ordinance of Philip 5th, and it was not necessary for him to inquire whether that ordinance had received the due consent of the Cortes, as it had been considered the law of Spain for more than a century. It was equally well known that Ferdinand 7th, a short time before his death, put an end to the ordinance of Philip 5th by his own absolute will and authority. It was as little necessary for him to inquire whether the Cortes had exercised a deliberate voice upon the decree of Ferdinand 7th, and had converted it into law by giving it the authority of their sanction. It was sufficient for him to know that the Queen had succeeded to the throne in consequence of the decree issued by her father. But though he should be taunted with being a partisan of Don Carlos for making the assertion, he must say that it could scarcely be expected that Don Carlos would not find fault with that decree. In point of fact, he protested against it as soon as it was issued, and in consequence of his protest a large portion of the Spanish people came forward to support his protest and to advocate his cause. He did not find fault with her Majesty's Ministers for having espoused the cause of the Queen of Spain in opposition to that of Don Carlos. They had followed the example of their predecessors, who had espoused the cause of Louis Philippe in France, because they found him the sovereign *de facto* of that country. On the death of Ferdinand 7th Don Carlos fled to Portugal, where he resided for some time under the protection of Don Miguel. The courts of Lisbon and Madrid then applied to the courts of London and Versailles to assist them in expelling Don Carlos and Don Miguel, the two usurpers, as they styled them, from the dominions of Portugal. A treaty was, in consequence, concluded between the four powers, by virtue of which the expulsion of those two princes from the dominions of Portugal was accomplished; and as the object of that treaty was then effected, one would have expected that the treaty itself would have been considered at an end. By that treaty the Government of England found itself bound to furnish naval assistance to the two princesses now reigning in the Peninsula sufficient to prevent any munitions of war from reaching the competitors for their thrones, whilst the Government of France simply engaged to do in that respect whatever might be settled by common consent between the King of France and his three august allies. But shortly afterwards Don Carlos, who had been brought from Portugal to this country in one of our vessels of war, thought fit to leave England and to throw himself upon the protection of the Basque provinces, in which he placed himself at the head of the insurgent population. The Court of Madrid, in consequence of that proceeding on the part of Don Carlos, again addressed itself to the Court of London, and certain additional articles were then inserted in the Quadruple Treaty, and were signed by all the former parties to it. In those additional articles, the former engagement of England was renewed and enlarged. England was not only to afford naval assistance to the Court of Madrid as before, but was also to supply it with arms and munitions of war to an unlimited extent. In the additional articles, no stipulation was made respecting the assistance which the Court of France was to furnish to the constitutional Government of Spain. All that the King of France engaged to do, was to take such measures in those parts of his dominions which adjoined to Spain as would be best calculated to prevent any succours of men, arms, or warlike stores, from being sent to the insurgents of Spain from the French territory. The first object of the policy which the Government of England was then called upon to pursue was to establish a blockade of all the ports in the north of Spain; but it was soon discovered, that as we were not at war with Spain, a legal blockade of the ports of that country could not be established. Whilst things were in this situation, his right hon. Friend, the Member for Tamworth, became the head of the Administration in this country, and the Duke of Wellington Secretary of State for Foreign Affairs. The object of the Duke of Wellington, during his brief administration of the Foreign Department, was to fulfil exactly and religiously all the engagements to which this country was bound by the stipulations of the Quadruple Treaty. In the course of it, that illustrious personage rendered an act of signal service to Spain, by endeavouring to humanize the war raging within its confines, and to put an end to the practice prevalent on both sides of putting their prisoners to death in cool blood. His Grace made a proposal to him (Lord Eliot) that he should resort to the head-quarters of the two belligerent parties, for the purpose of making a convention between them for the preservation of the lives of all persons who might be made prisoners during the continuance of this civil conflict. It was well known that he had assented to the proposal then made to him, and that he went to Spain in consequence. He would not enter into any details of matter merely personal to himself. He would only say, that he had gone to the head-quarters of Don Carlos, and in justice to him he must inform the House that that prince, whatever acts of atrocity, justly or unjustly, might be attributed to him, had evinced the utmost readiness to accede to his proposal. Having thus obtained the consent of Don Carlos, he next went by his desire to the head-quarters of his commander-in-chief Zumalacarregui. In justice to the memory of that distinguished officer, he must say that Zumalacarregui had shown no dislike to his proposition, but had evinced every readiness to obey the instructions of his prince on that occasion. He went subsequently to General Valdez, who at that time held the office of Minister at War at the court of Queen Christina, and he was happy to say, that in consequence of the powerful manner in which his representations were backed by Sir G. Villiers, the representative of our Government at Madrid, the Spanish Government was induced, though not without considerable difficulty, to assent to a measure which recognized Don Carlos as a party to the civil war then raging on the Spanish territory. He experienced from General Valdez every attention which he had a right to expect as a recognized servant of this country, and he was bound to add that General Valdez displayed great readiness to facilitate the arrangement which he was sent to accomplish. General Valdez and General Cordova wished certain modifications to be made in that arrangement —modifications which, with one exception, it was unnecessary for him to describe. The modification which he had excepted was this—that the convention should not extend beyond the provinces in which the civil war was then raging, unless the armies then engaged in it should march into another province. Some blame was thrown at the time upon those gallant officers for insisting on that modification; but, in his opinion, it was impossible for them to have acted otherwise; for bands of robbers, who were always ravaging some portion of Spain, would have availed themselves of the opportunity to style themselves partisans of Don Carlos, in the hope of committing their murders and robberies with impunity. He was proud to learn that the convention, to which he had thus obtained the consent of both parties, had been attended with as much success as his warmest wishes could have anticipated. He had received the welcome confession, both from the Carlist officers and the Christino officers, and even from the hon. and gallant officer the Member for Westminster, that in consequence of that convention many lives had been saved which without it, would inevitably have been sacrificed. He distinctly disclaimed any merit for the share which he had had in that transaction, except that of having obeyed to the very letter the instructions which he had received. He had fortunately for him had the advice and assistance of Colonel Gurwood, who had accompanied him on his mission and his object was much facilitated by finding that in every part of Spain through which they travelled the name of an Englishman was hailed as the name of a benefactor, and that the Duke of Wellington who sent them was looked on as the saviour of Spain. He would not dwell upon a topic on which he could easily dilate—he meant the privileges of the Basque people. But he thought that there was no man who had witnessed the progress of the present contest in the Basque provinces, and the enormous sacrifices which the inhabitants of those provinces had made in the course of it, who must not be aware that there was something more than fable and romance in their *fueros*. Though he gave the Basques credit for attachment and loyalty to Don Carlos, he was convinced that they felt that they were fighting for something more than a mere monarch in supporting as they had done, his cause at every hazard. To return, however, to his immediate subject, the foreign policy of England. When the Administration of his right hon. Friend the Member for Tamworth had ceased to exist, and that of the noble Lord opposite was called into being, it was probable that if our mediation had been offered to the two contending parties it would have been accepted. Both parties, according to a pamphlet well deserving of credit, were at that time weary of the contest, and ready to avail themselves of an adjustment proposed by a third party. The hope, however, of rendering such a service to Spain was destroyed by the more active intervention in the affairs of Spain which took place on the noble Lord's resumption of office. The noble Lord, not content with sending a naval armament to cruise on the coasts of Spain, sent to that country a force of both artillery and marines, and issued the order of Council which enabled the Spanish Government to raise in this country that auxiliary force which had since been known as the British Legion. He would not venture at that moment to detain the House by entering into any abstract discussion on questions of international law. He held, that war to be justifiable must be necessary, and, for his own part, he knew no moral difference between a state of war and a state of hostility. Though he did not wish to trouble the House with any quotations on questions of dry law, he had recently met with a passage in the works of President Jefferson which he wished to press upon their attention. Jefferson, in speaking of the armaments which the citizens of the French Republic were then fitting out against Great Britain in the ports of the United States, with whom we were then in peace and amity, used this striking and forcible language:—"By nature's law man is at peace with man till some aggression is committed, which, by the same law, authorizes one to destroy another as his enemy. For our own citizens, then, to commit murders and depredations on the members of nations at peace with us, or combine to do it, appeared to the Executive, and to those whom they consulted, as much against the laws of the land as to murder and rob, or combine to murder and rob, its own citizens." And again he said, that "no succour should be given to either party, unless stipulated by treaty, in men, arms, or anything else directly serving for war; that the right of raising troops being one of the rights of sovereignty, and, consequently, appertaining exclusively to the nation itself, no foreign power or person can levy men within its territory without its consent; and that if the United States have a right to refuse the permission to his Majesty's vessels, to raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments." Acting, then, upon this principle, and looking at the number of men who were subsequently incorporated, under the authority of the order in council, into the British Legion for the service of the Queen of Spain, he felt bound to say, that it appeared to him, that it was the duty of the noble Lord opposite (Palmerston) to have ascertained whether the engagements contracted with them by the Spanish Government were likely to be fulfilled, and whether a due and adequate provision was likely to be made for such of them as wounds or disease might send back to England with shattered frames and debilitated constitutions. He was sure, that the noble Lord, when issuing this order of council, could never have contemplated the immense sacrifice of the lives of British subjects which he was then incurring by it. He therefore must be permitted to express it as his opinion, that in issuing that order of council the noble Lord, so far as England was concerned, had not exercised that sound judgment which became either him or the distinguished office which it was his fortune to possess. As far as Spain was concerned, he would ask, whether it was a legitimate policy for the noble Lord to turn, without provocation, British bayonets, to use the language of Mr. Canning, against Spanish bosoms? And he would further ask the noble Lord, on the next occasion on which he complained of the atrocity of the Durango decree—a decree which he reprobated quite as strongly as the noble Lord had ever reprobated it—a decree which it was no less illegal than cruel to execute against the British Legion, as that force was clearly entitled to the benefit of the convention which he had been the instrument of procuring—he would ask the noble Lord, he repeated, with what grace the reprobation of that decree could come from his lips, from him who had sent into Spain a force to carry desolation and destruction into districts with the inhabitants of which we were not at war? He would not enter into the military part of the question, for he was not altogether a competent person to decide upon it. He would not talk either of the defeat or the disgrace which the British Legion had sustained; but he trusted, that the hon. and gallant Officer, the Member for Westminster, would not quarrel with him for speaking of the failure of that expedition. He had received in the course of the last few days the copy of a letter from a Carlist officer now in London, describing the military resources of the Carlists at the time when the British Legion first landed in Spain, and their military resources at the present moment. The noble Lord and the hon. and gallant Member for Westminster might believe as much or as little of the letter as they liked; but this was its statement:—

"When the Legion disembarked in Spain the Carlist force in the Basque provinces and in Navarre consisted of about 30,000 regular troops. About 8,000 insurgents were in arms in Catalonia, and in Arragon Cabrera and Forcadell were at the head of about 4,000 men. The total force thus amounted to rather more than 40,000 men. At the present moment the Carlist regular force in the Basque provinces and in Navarre amounts to about 35,000 men; in Catalonia to about 18,000, formed into regular battalions; in Lower Arragon and Valencia Cabrera commands 34,000 men under arms, besides 20,000 who remain in their villages unless their services are required on any particular emergency. The total force is, then, 79,000 men. Of the guerilla bands in La Mancha, Estremadura, and Sorio, it is difficult to form an estimate. Catalonia, with the exception of the banks of the Ebro and of the sea shore, is now entirely in the hands of the Carlists, who are in undisputed possession of Berga, Solsona, and all the towns of the interior. All Lower Arragon and Valencia, with the exception of a few large towns, are occupied by the troops of Cabrera, who has placed commandants in every village. At Cantavieja he has established a foundery, and cast fourteen pieces of artillery. The Basque provinces remain in much the same state as when the Legion disembarked excepting that the manufactories of arms have been augmented, and the defences of the country have been strengthened. A traveller may now proceed with a passport from Don Carlos from the Pyrenees to within a short distance of Valencia without interruption by the Christinos, except at the passage of the Ebro, and will be furnished with mules and guides by the authorities on the whole of the road."

[An hon. *Member:* What is the date of this letter?] He was sorry that he could not give the hon. Member the date of the letter, for he had only an extract from it with him. He did not even vouch for the accuracy of the letter, and the hon. Member was at liberty to believe or disbelieve it as he pleased. If, then, the case were such as it was stated to be by the writer of this letter, who, he repeated, was still in London, he apprehended, that the noble Lord, by sending out this Legion, had not produced any favourable effect in the seat of war. The next questin which he would ask the House to consider was, whether the noble Lord had produced by that measure any beneficial effect to the Government of the Queen of Spain in the minds of her own subjects? He was sure, that the noble Lord would recollect, that he had communicated to him, either in conversation or by letter, that whilst he was in Spain he had had a conversation on this very subject with General San Miguel, who was one of the leaders of the Exaltado or Liberal party in that country, and whom the noble Lord would recollect as the Secretary to the Cortes in the year 1823. That gallant officer, in a conversation with him had deprecated all foreign interference in the affairs of Spain, no matter whether it came from France or from England—had declared, that the nation which had not power and energy to work out its own freedom unaided was incapable of enjoying it, and had concluded by saying, that he would rather see the Carlists triumph than owe his victory over them to the bayonets of foreigners. Had not hon. Members seen the declaration recently made by Count Toreno to the Cortes, that in his opinion it would be impossible to settle the affairs of Spain without some transaction, as he called it, with Don Carlos? Had they not read, too, the order of the day issued by General Espartero to his troops, in which he told them that he had asked the Government at Madrid in vain for arms, provisions, clothes, and shoes, and in which he informed them that the only consolation which he had upon not receiving those supplies, which he knew they wanted, was his knowledge that the Carlist troops were even worse off than they were? Was that a state of things likely to prove beneficial to the cause of the Queen and of constitutional government? But was even the Spanish Government grateful for the services which our Government had rendered it? Had it extended to our commerce any privileges, or given to our merchants any exemption, to which either one or the other was not entitled before? No; at the very moment that Sir G. Villiers was seeking for some relaxation of the Spanish commercial system in our favour, M. Bardaji, the Minister of Finance, had issued a decree declaring that no foreign merchants were entitled to any exemption whatever. He contended, therefore, that no gratitude had been displayed by the Spanish Government either to the commerce of England or to the soldiers of England, who had risked their lives in its service. He would not dwell any longer upon this topic. He would proceed to notice an observation of the hon. and gallant Member for Westminster, that success was no criterion of merit. He admitted this to be the fact; but then it was required of those who undertook or who embarked in great enterprises to show that they deserved success, and that they had adopted and proportioned their means to that end. He thought that the noble Lord would find it a difficult task to show that the sending out a force of 10,000 raw and undisciplined troops was calculated to produce any advantageous effect in putting an end to the war. It was the unanimous opinion of all the French officers with whom he had conversed when that expedition was originally sent to Spain, that an army of 40,000 or 50,000 disciplined and well equipped troops would not at that time have been sufficient to restore tranquillity in Spain; in other words, that that number of excellent troops could not have accomplished that object which the raw levies of the Legion were sent out to accomplish. He would here ask the noble Lord whether he conceived the engagements which we had contracted to the Queen of Spain were either unlimited in extent of supply, or indefinite in point of duration? The House had been told on a former occasion that more than half a million of money had been expended on the arms and military stores which had been recently sent to Spain. He believed that that sum, large as it was, fell far short of the sum which in that manner had been transmitted as an aid to the Spanish Government. He had been told, that so many muskets had been sent from the Tower to different parts of Spain, that at this moment we had not muskets for the supply of our own men. He had been told, that, when new muskets were required for one of the battalions of the Guards now under orders for Canada, on the ground that their present muskets had been in use for eleven years, the officer in command had been informed that they had not in the Tower a single new musket to replace the old ones which he wished to discard. [An hon. *Member:* the noble Lord is singularly incorrect.] He might be incorrect, but the existence of such rumours rendered it essentially necessary that the country should know to what extent it was bound hy the engagements which her Majesty's Ministers had formed for it. The noble Lord had incurred by his policy a great responsibility to those who, relying on his promises, had taken shares in the different loans which had been made to the Spanish Government. As neither interest nor principal was likely to be repaid, that was in itself a great reproach to the noble Lord. He would remind the House that in a late debate in the Cortes, Count Toreno had stated the public debt of Spain to be somewhere about 150,000,000*l.* He had likewise stated, that the interest on that debt at two and a half per cent. was 3,500,000*l.* Now as the expenditure was about 9,000,000*l.*, and the revenue was only about 7,000,000*l.*, there was a deficit on that head of about 2,000,000*l.*: and if to that deficit were added the interest on the debt, the total deficit would amount to a sum between 5,000,000*l.* and 6,000,000*l.* He thought from that statement it was quite clear, that unless the noble Lord was prepared to afford his assistance to the Spanish funds, there was little chance of those who now held such scrip receiving for it anything like the amount at which they had purchased it. He would implore the House to pause before it gave its assent to the course which the noble Lord had been so long pursuing, and which he still seemed inclined to pursue. Let them remember what Mr. Canning said in 1823, when some individuals expressed an opinion that this country ought to have sent out a maritime armament to watch the events that were occurring on the shores of the Peninsular. " Such a course," said Mr. Canning, " would in my opinion, be unworthy of a great and independent nation like our own, and and would degrade us from a first to a second rate power. I do hope that whenever we determine on war we shall determine to wage it, not as an auxiliary, but as a principal. Such had hitherto been our policy, and on all former occasions when we had resorted to war we had exerted every nerve to bring it to a safe, a speedy, and honourable conclusion. *Toto certatum corpore regni.* This was the only sound view in which war could be contemplated."* Let them couple this with the maxim of the Duke of Wellington, that a great country like ours ought never to carry on a little war. To the policy of Mr. Canning the noble Lord was in former days accustomed to defer, and for the authority of the Duke of Wellington, the noble Lord's colleagues had recently expressed more respect than they had formerly exhibited. The next point to which he wished to call the attention of the House was the conduct of the present King of the French. What, he would ask, was the language in which that Sovereign addressed his two Chambers in 1836? Let the House listen to it, and mark it well. " I trust," said Louis Philippe, " that the constitutional monarchy will triumph over the dangers which menace it; but I have wished to preserve my country from sacrifices of which it was impossible to foresee the extent, and from the incalculable consequences of any armed intervention in the internal affairs of the Peninsula. France reserves the blood of her sons for her own cause, and when forced by sad necessity to call on them to shed it in her defence, it is under her own glorious standard that French soldiers march to battle." Could thoughts more just be clothed in expressions more noble than these? He wished that expressions like those he had just quoted had been found in the speech of our own most gracious Sovereign. If Louis Philippe were determined to act only upon that policy which was conformable to the interests of France, he apprehended that the noble Lord would not be able to count upon him as a member of that Liberal league, in which the free and enlightened states of the West of Europe were to be banded against the despotic powers of the North. England, he lamented to say, stood at that moment alone. Where, he would ask, was the noble Lord's array of Liberal Governments? Did he rely on Spain or on Portugal? Could he look to America? Could he reckon upon France? No; it was clear that France was not prepared to go hand in hand with the noble Lord in the Quixotic expedition which the fervour of his imagination had conceived.

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* Hansard, New Series, vol. viii, p. 894.

Was it, then, wise, or was it dignified, to deal in taunts and menaces, which could only tend to irritate those Powers which were at present in amity with us, and to alienate their feelings from us, forgetting, as those who used such taunts and menaces did forget, that it was to the moderation of those Powers alone that we were indebted for the preservation of the peace of Europe at that moment? For if they had armed, as they had a right, on behalf of Don Carlos and legitimacy, there was nothing to prevent a general war; and was that a contingency for which England was prepared? He likewise contended, that the noble Lord had, by his conduct, furnished a dangerous precedent to all ambitious states, that were anxious to interfere in the affairs of other states, and that he could not for the future reproach them with any interference which they might be prepared to undertake against the liberty and independence of other states. He had now almost done. He had endeavoured to trespass as shortly as possible on the patience of the House. He had spoken principally to its sense and understanding. It would not have been difficult for him to have drawn an affecting picture of the miseries which this desolating war had inflicted upon Spain, but he had purposely abstained from such exciting topics. He had confined himself to facts, and he left it to the House, from those facts, to derive the proper conclusion. To retrace their steps was difficult; to undo that which had been done was impossible; but it was in the power of the House to endeavour to regain that high and honourable position in which the country had formerly stood, and thus to enable it, when a fitting opportunity arose, to mediate between the contending parties, and to propose a conciliatory adjustment of their differences. Such was the object of the motion with which he then concluded, and which he would now put into the hands of the Speaker. After thanking the House for the attention with which it had heard him, the noble Lord moved—

"That an humble address be presented to her Majesty, expressing to her Majesty the opinion of this House, that no advantage, either to the interests of this country or to those of Spain, has resulted from the employment of her Majesty's subjects in the service of her Catholic Majesty, in consequence of the suspension, by order in Council, of the provisions of the Foreign Enlistment Act; and since the continuance of such order in Council is not required by the obligations of existing treaties, humbly praying that her Majesty will be graciously pleased not to renew it."

Mr. *Cutlar Fergusson* said, it was impossible for him to do justice to the very able and candid manner in which the noble Lord had brought forward this question. His speech was so free from every admixture of acrimony and violence, that he was quite sure that no Gentleman on his side of the House would accuse the noble Lord of being either a partisan of Don Carlos or an abettor of despotism. It was perfectly clear, from what the noble Lord had said, that the officers and soldiers of the British Legion were included in the convention which he had formed; and it followed from that, that no less than 147 individuals of that corps had been cruelly and inhumanly butchered. The House, he hoped, would on the present occasion show that they were determined to mark their abhorrence of these atrocities, and their approbation of the policy of her Majesty's Government, which was founded, as it appeared to him, on the justest principles which could regulate the decisions of statesmen. In order to arrive at a correct appreciation of the motives by which their conduct had been governed, it would be necessary to look back to the origin of this question. On the death of Ferdinand, a great change took place in the Spanish Government, and the country was delivered from an unrelenting despotism, which had for ten years oppressed it, by the accession of Queen Isabella. It was necessary that those Powers which were interested in the fate of the Peninsula should consider what line it was incumbent on them to take, in order to protect the young Sovereign against the pretensions of her uncle. The French Monarch was the first to intervene. M. Thiers had told them in one of his speeches, that on the intelligence of the death of Ferdinand France deputed an envoy to the court of Spain, with written instructions to offer the Queen Regent such succour as she should think fit; the nature and extent of it being left to herself. Let it not be said, then, that intervention was begun by the British Government. The French had set the example, and no choice was left to the British Government as to the course which it ought to pursue. To remain neutral was totally out of the question; as long as we had any interest to protect in the Peninsula, it was absolutely necessary for us to take some decided step. Government had to determine whether they would take the part of Don Carlos and Don Miguel, pretenders to the crowns of Spain and Portugal, or espouse the cause of the two Queens, which was the cause of constitutional liberty. It was impossible to think of delivering over Spain to the influence or dominion of France. It would inevitably follow, if we left the French government, on the one hand, to take whatever part it pleased in the affairs of Spain, and stood passively by without interfering, that it would establish a predominant interest in that country; and that British influence would be almost extinguished. If, on the other hand, Government assisted the two princes who advanced pretensions to the Peninsular thrones, then they must have delivered the Peninsula into the hands of the Northern Powers—a fate, in his opinion, infinitely worse than any other that could befal it, and which the present motion, if carried, would tend very much to render certain. Believing, then, that the wisest course was, at once to embrace with cordial good will, the cause of the Queen of Spain, Government sent an envoy to acknowledge her sovereignty, and to declare that it was their wish to maintain relations of amity with her Majesty. This resolution of the British Government excited sensations of the liveliest joy when made known to the Spanish people; but it was not sufficient merely to make a profession of our good wishes—it was incumbent on Government to take active measures, to give effect to its views, and to promote the triumph of the Queen over her enemies, and the enemies of Spanish freedom and happiness. The interests of the two nations of the Peninsula in reference to the event of the struggle between the contending parties were intimately connected; on the fate of Spain depended the fate of Portugal—on the fate of Portugal depended that of Spain. In order, therefore, to secure the peace of the whole Peninsula, and to maintain on its thrones, those who had been called to them by the voice of the people, Government had judged it wise to enter into a treaty of alliance with the Peninsular powers in conjunction with France. The noble Lord had said that the object of the first treaty was attained on the expulsion of Miguel and Carlos from Portugal; but he only stated half the object of the treaty. The treaty was not merely intended to drive these pretenders from Portugal, for the additional articles were agreed upon when neither of them was in that country; it was intended to establish the sovereignty of the two Queens in their respective dominions. That was evident on the face of the treaty, which ran thus:

> "Her Majesty, the Queen Regent of Spain during the minority of her daughter, Donna Isabella the Second, Queen of Spain and his Imperial Majesty, the Duke of Braganza, Regent of the kingdom of Portugal and of the Algarves, in the name of the Queen Donna Maria the Second, being impressed with a deep conviction that the interests of the two Crowns, and the security of their respective dominions, require the immediate and vigorous exertion of their joint efforts, to put an end to hostilities, which, though directed in the first instance, against the throne of Her most Faithful Majesty, now afford shelter and support to disaffected and rebellious subjects of the Crown of Spain; and their Majesties being desirous at the same time, to provide the necessary means for restoring to the subjects of each the blessings of internal peace, and to confirm, by mutual good offices, the friendship which they are desirous of establishing and cementing between their respective States, they have come to the determination of uniting their forces, in order to compel the Infante, Don Carlos of Spain, and the Infante, Don Miguel of Portugal, to withdraw from the Portuguese dominions. In consequence of this agreement their Majesties the Regents have addressed themselves to their Majesties, the King of the United Kingdom of Great Britain and Ireland, and the King of the French; and their said Majesties, considering the interest they must always take in the security of the Spanish Monarchy, and being further animated by the most anxious desire to assist in the establishment of peace in the Peninsula, as well as in every other part of Europe; and his Britannic Majesty, considering, moreover, the special obligations arising out of his ancient alliance with Portugal, their Majesties have consented to become parties to the proposed engagement."

It was perfectly clear, then, from the language of the treaty, that its chief objects were, the settlement of the Spanish succession, and the restoration of tranquillity throughout the whole Peninsula. Government had a perfect right to pursue those objects; and it certainly never was meant by the contracting parties, that the special articles to which he had alluded should have any restrictive effect. It was not necessary that all the occasions on which the British Government should afford assistance, should be specified, and the exact nature of it defined in the treaty, What Government were bound to do, as faithful allies was, to take care that none of their acts should be in contradiction to the spirit of the treaty. All that Government had done, he contended, was in perfect accordance with the spirit and intention of the treaty, especially the step they had taken in issuing the Order of Council, by authority of which the British Legion was raised. It was provided by the treaty that in case the co-operation of France should be deemed necessary by the high contracting parties, the king of the French should engage to do whatever might be agreed upon by common consent between himself and his allies. It had been afterwards agreed upon, that besides supplying the Queen's troops with arms and munitions of war, the Crown of Great Britain should send a squadron to co-operate with them, and the king of the French should maintain a blockade of the Spanish frontier, in order to prevent the conveyance of warlike stores to the Carlists. Government had not acted alone in supporting the Queen; the king of the French had actively co-operated with them. The British Government had authorised the formation of an auxiliary Legion, and its embarcation for Spain; the king of the French had also sent the foreign Legion in his service, commanded by one of the bravest officers in his army, to the assistance of the Queen. The gallant commander of that corps, Colonel Conrad, fell at the battle of Huesca. Originally, the Legion he commanded was of superior force to the British Auxiliary Legion; it was not merely recruited in France, but was itself taken from the French army. When the king of the French used the expressions quoted by the noble Lord, and declared that the sons of France marched to battle only under their own glorious standards, he had from 6,000 to 8,000 soldiers in Spain under the orders, not of the French, but of the Spanish government. The British Government was placed, by the conditions of the treaty, exactly on the same footing as that of France, and both Governments had for a considerable time cordially co-operated in behalf of the cause they had espoused. It unfortunately happened, however, after the revolution of La Granja, the French government did not take the same view of Spanish affairs as the British Government had adopted; it was impossible to deny that; but he would affirm, whatever might have been the conduct of France, that the conduct of the Government of this country had confirmed the high character for sincerity and good faith which Great Britain had won in every country in the world, by its strict adherence to the engagements it contracted. No part of foreign history he would maintain, would redound more to the honour of Great Britain than the fidelity with which its Government had observed the stipulations of the treaty in question. Whatever the conduct of others might have been, we, at least, had done our duty. It had been said, that Government ought to have declared war. Against whom should they have declared war? Against a brigand stained with the most horrid crimes, against the author of the Durango decree? Was this a man whom they were to consider as in the situation of a king, and against whom they ought to make proclamation of hostilities? Government had no means of placing themselves in the situation of persons at war with him, but they had endeavoured, in the discharge of their duty as allies, to deprive him of the power of doing further mischief. They had not succeeded to the full extent of their wishes; but on the whole, he contended, that the efforts of the Legion had been successful. The noble Lord asked the House to address the Crown against the renewal of the Order in Council, authorizing the enlistment of British subjects in the Spanish service, as not having been productive of any advantage, either to this country or to Spain. There were those who thought it would have been more expedient for this country to establish that bloody man, who pretended to the crown of Spain on the throne; there were others who thought it would have been better for our own interests, and for those of Spain, if we had not interfered at all; and these, no doubt, would vote with the noble Lord. The noble Lord, therefore, he must suppose, intended to aver, that the Legion had been productive of no advantage to the cause of the Queen of Spain. Then he would beg the noble Lord to remember in what state the Legion had found the contest which was in progress on their arrival. The Queen's army was inconsiderable as regarded numbers; it had met with many disasters, and was in a state of great confusion and indiscipline. It was absolutely necessary that it should be reinforced; and the arrival of the Legion was of immeasureable importance in the then position of affairs. In a very short time, the gallant actions of these brave auxiliaries struck terror into the armies of the Pretender, and excited the admiration of Europe. No man could accuse the Legion, no man could accuse its gallant commander, of having failed in any quality requisite to the character of soldiers, in courage, conduct, and steadiness, under privations as great as any European army ever endured. Notwithstanding the disadvantages under which they laboured, they performed the most important and arduous services; they twice relieved St. Sebastian, the key and chief town of the provinces which were the seat of war; they captured Passages, the only seaport in the hands of the enemy; they took four fortified towns, which were delivered to the Spanish troops of the Queen regent, and were now in their possession. These were services of the utmost consequence; but the Legion effected more. Until within a very short time of the departure of the main body, they kept thirty or forty Carlist battalions continually employed in observing their movements. If the progress of Don Carlos had not been impeded by the Legion, could any one deny, that it would have been much more rapid, and that it might even have placed him in triumph at Madrid? Had the Legion not opportunely arrived in the north of Spain, St. Sebastian must have fallen, Bilbao must have fallen, and the occupation of these two places by the Carlists would, he believed, have been the signal for the recognition of Don Carlos by the northern Powers of Europe. Such was his firm belief; and if that result were to be accounted a calamity, then the Legion had averted that calamity from the civilized world. He did not profess to be able to estimate the services of the Legion with military accuracy, but he thought it impossible to doubt that the Legion had performed eminent services, which had not been unacknowledged by the Spanish Government. He held in his hand, among other documents applauding the conduct of the Legion, a rescript signed by Her Catholic Majesty, and couched in the following terms, which he was sure the House would be glad to hear;—"I declare, that the gallant General De Lacy Evans, and all the other generals, chiefs, officers, and men of the British Legion, who contributed to the storming and taking of the town and port of Irun, on the 7th of May last, have most completely fulfilled my expectations." Surely the services of the Legion must have possessed extraordinary merit in the eyes of the Queen and her Ministers, when they were deemed worthy to call forth so flattering an expression of approbation, under the royal sign-manual; and he thought they might safely consider the advisers of the Spanish Crown to be better judges of the benefits they had derived from the services of the British Legion, than even the noble Lord opposite himself. Could there then be a more ridiculous proceeding than to pass a resolution, declaring that the Legion had rendered no services to the cause of the Queen, when they had the declaration of the Queen herself to the contrary? He trusted that the House of Commons would have more regard to its own character than to assent to such a resolution. He hoped too, that in dealing with this question, the House of Commons would have some regard for justice, and accord what was due to the character of these brave men. To him, the declaration of the Queen of Spain was quite conclusive; but, perhaps, nothing would be conclusive on this subject to some hon. Gentlemen opposite. Let them suppose the case, for instance, of a person who, it was alleged, had been grossly ill-used by a certain party; what would be said if, in answer to this allegation, there was produced a statement, under the hand of the supposed ill-treated party, declaring that the accused had never done him any injury, but that, on the contrary, he was the best friend which the writer had in the world. In his opinion, there was not the least difference between this case and that of the Queen of Spain, who had declared her entire approbation of the conduct of General Evans, and of the Legion under his command. He would not enlarge further upon the point, however, but proceed to advert to the noble Lord's declaration, that this species of warfare was one which was not permitted by the law of nations. Now he contended, that to send an auxiliary force like the British Legion, to the aid of an ally, whom you were bound by express treaties to aid, so far from being unlawful and unchristian, was an act as laudable as it would be to send out troops of your own army for the same purpose. The only question was, which plan would be most to the advantage of the party receiving aid, and least to the disadvantage of the party affording it—whether it would be better to declare war against the enemy of your ally, and carry on regular hostilities, or to afford indirect co-operation and assistance. They were told by Gentlemen opposite, that it was quite unlawful for any parties to engage in defence of a cause in which they had no concern. It was begging the whole question to say, that the English nation had no concern in the affairs of Spain. Our alliance with Spain was both prudent and necessary; and the cause of the ally to whom we were bound by treaty, ought to be our cause, involving, as it did, the observance of treaties, and the maintenance of good faith. He was decidedly of opinion, that every man ought to be at liberty to serve whom he pleased, in a military as well as in any other capacity, provided he did not bear arms against the country to which he belonged. Vattel said of mercenary soldiers,—

> "Mercenary soldiers are foreigners voluntarily engaging to serve the state for money, or a stipulated pay. A great deal has been said on the question, whether the profession of a mercenary soldier be lawful or not, or whether individuals may for money, or any other reward, engage to serve a foreign prince in his wars? This question does not, to me, appear very difficult to be solved. They who enter into such engagements, without the express or tacit consent of their Sovereign, offend against their duty as subjects. But if their Sovereign leave them at liberty to follow their inclination for a military life, they are absolutely free. Now every freeman may join himself to whatever society he pleases, and which to him appears most advantageous. He may make the cause his own, and espouse the quarrel, and become, in some measure, for a time, a member of the state in the service of which he engages; and as an officer, is generally at liberty to quit the service, when he thinks proper; and, as a soldier, at the termination of his engagement. If, therefore, the state embark in a war, manifestly unjust, the foreigner may quit its service. And this mercenary soldier, having now learned the art of war, has rendered himself capable of serving his country, whenever it requires his assistance."

The doctrine of hon. Gentlemen opposite was completely unknown to our ancestors. Vattel declared that volunteers serving in an army in the field to improve themselves in the art of war, were to be treated in the same manner as subjects of the power whom they served.

> "The noble view of acquiring instruction in the art of war, and becoming more capable of serving our country, has introduced a method of serving as volunteers even in foreign armies, and the custom is doubtless justified by the sublimity of the motive. Volunteers taken by the enemy are treated as if part of the army in which they fight. Nothing can be more reasonable; they, in fact, unite themselves to the army; they support the same cause, no matter whether it be from obligation or free will."

These are the words of an author well known in every quarter of the world; and he cited them the more readily, because he was not one who could be styled a writer of the dark ages; which he recollected was alleged on a former occasion, when authorities were cited on his side of the House in support of the principle upon which the Legion was justified. Such were the opinions of a writer who was looked on as a great authority at the present day in every civilised state in Europe. Were the views of the hon. Gentlemen correct, the most celebrated warriors this country had produced, such as Sir Phillip Sidney, and those persons who served the Dutch against the Spaniards, must have been pronounced robbers or banditti at one period of their lives. The great Duke of Marlborough, and the most distinguished officers of that age, had been bred to arms in the service of a foreign power; so also had been his own gallant countrymen Leslie and Monro, men who were said to be as brave as their own swords, and who rendered distinguished services to the cause of liberty in their own country; so had been General M'Kay, who commanded the troops of King William at the battle of Killicrankie, and who had first won reputation in the service of Gustavus Adolphus. Whether these men fought for the rightful cause or not, was not the question; they had become soldiers by serving in those wars. The Duke of Marlborough had been trained in the school of Turenne, and almost all who gained distinction in the British army, then had learned the art of war in a foreign country. He considered that the soldier might with a safe conscience believe in the goodness of the cause for which he fought. If he were a military man, and if his time were at his own disposal, he would, without hesitation, enter into the service of the Queen of Spain, but no consideration should induce him to serve Don Carlos. He believed that every individual of the British Legion, from General Evans to the meanest soldier, with the exception of a few worthless men who gave no heed to the matter, was convinced that he was fighting for the rightful cause. Great atrocities had no doubt been committed by both parties, but the Carlists not only put to death prisoners taken in the action, but stragglers who fell accidentally into their hands; whilst the prisoners taken by the Legion had always been well treated. The very fact that 147 men of the Legion taken prisoners, not in battle, but when straggling from their ranks or cantonments, had been butchered by orders from Don Carlos, while the lives of 1,100 Carlist prisoners had been spared by General Evans, was sufficient to call down upon the former the hatred of the world, and to sanctify the cause of Queen Christina in the eyes of civilised Europe. With respect to the intention of this motion, he trusted the noble Lord would give him credit for not ascribing to him unworthy motives on this occasion; but the noble Lord must needs be susceptible, in some degree, of a bias towards the views of his party on the subject, and he would ask the noble Lord whether he did not hope to have a majority on this question, and whether the motion was not intended as a trial of strength between parties in that House? The same thing had been done three times on this question—three times had Ministers been put on their trial in that House on this question; three times had the whole force and power of the opposite party been put forth; and, to judge from the use that had been made of the name of his hon. and gallant Friend (Sir D. L. Evans) in these discussions, there seemed to be no person who had incurred so much of the hatred of hon. Gentlemen opposite as his hon. and gallant Friend. He thought the debate of last night on the subject was wholly personal, that was his decided opinion, and nothing that he could hear from the other side would make him alter it. But what was the real question which the House would have to decide? The question was not that you should say whether the British Legion has been of use or of no use to the cause of her Most Catholic Majesty, but whether the principles on which the Quadruple Treaty was formed, and on which the British Legion performed its services, are to be observed in future by this country, or whether they are to be departed from—whether the system of foreign policy which, under the able administration of his noble Friend, had kept this country so long at peace, shall continue or not. He did not know what party advantage was sought to be obtained by the motion, but he did not hesitate to say, that neither in the vote which he should now give, or on any other occasion, did he adopt a course which he should not take if he did not happen to be attached to the Government. He supported the Ministers on principle, and he begged to tell hon. Gentlemen opposite who cheered, that he had never been called on by the present Government to give a single vote in contradiction to his principles. The question for the House to decide was, whether they would support the present system of foreign policy or not, and the effect of the present motion, if successful, would be felt in all Europe; in the saloons of St. Petersburgh as well as those of Vienna. If it were carried, then adieu to the cause of constitutional government and free institutions in Spain. If Spain fell, Portugal must fall also, and we must submit to have the two Pretenders to these kingdoms ascend the throne, and these two nations intrusted to the rule of the inveterate enemies of free government and free institutions. This was a view of the question which should be considered calmly and dispassionately by both sides of the House. As for himself, however willing he was to accede to the noble Mover the praise of integrity and ability, he could not do otherwise than give his motion a decided negative.

Sir *Adolphus Dalrymple* observed, that the question was, of what use the Legion had been in Spain, and whether the Order in Council ought to be renewed or not. He thought the question might be now approached with more advantage than it was last Session. As to the success of the Legion, the gallant Officer who commanded that force had himself confessed that he was not responsible for the raising it; that the command had been offered to him, and that he had accepted it; that he found the difficulties of his situation much greater than he expected; that when he landed in Spain he found the inhabitants unfriendly; that in his winter quarters at Vittoria one man out of five died in hospital; and that after two years' service and many severe actions, in which the Legion had distinguished themselves in a manner that became Englishmen, St. Sebastian, where they had originally landed, was reduced to a state of blockade. That was surely no proof that the Legion had been serviceable, or that the sacrifice of human life caused by it had been compensated by a great advantage. In arguing this question, the first point for which he should contend was, that the Legion supplied the first instance in the history of this country in which an army was ever raised by beat of drum in this country for a foreign nation, and to be in foreign pay. He knew that such a course was attempted to be taken in the case of Spanish America, and that to prevent it the Foreign Enlistment Act had been passed. He was aware, too, that occurrences in the time of the Black Prince and Charles 1st. had been referred to during the debate last year as affording precedents for the justification of the proceeding on the part of our Government; but these cases were totally inapplicable, because these forces had been raised when there were no standing armies in existence. The troops which were raised were those that would have gone if the country had been at war, and they, in every instance, looked to their Sovereign for pay and support. Elizabeth sent an army to assist the Huguenots into France, but she sent also money for their maintenance. In the time of Charles the First a force of the same description was sent to uphold Gustavus Adolphus, which afforded Rapin, the historian, an opportunity for observing that this mode of raising an army shifted the responsibility from the Sovereign to his subjects. Mr. Canning had remarked on a proposition being made for equipping a similar force to the Spanish Legion, that the time had gone by when it was expedient to afford an outlet by such means for the enterprising spirit of the people, and he dwelt with great force on the probable effects which the presence of so irregular a force would produce on the people. Lord Grey, too, stated that the three great principles of his administration should be "reform, retrenchment, and non-intervention." [Lord *Palmerston*: No, "peace."] Did the noble Lord mean to say that non-intervention was not included? [Lord *Palmerston*: Yes.] Surely the noble Lord did not mean to say, that there was no principle of non-intervention with foreign powers. Certainly there was such a principle, and he would say, that if the noble Lord had adhered to it, he would have given great satisfaction to a large body of the people of this country; but he came back to the question of raising an army in England, for employment by foreign powers; they had seen what was the effect of the operations of an army of this sort, and they had seen the effects on the men of the disbanding, and discharging an army of this sort; and, of course, everybody must have felt for them. But, on this point, it was his decided and clear opinion, that if the men must needs be allowed to go out, it was the duty of the Government to have seen that they went out on such terms as could not be taken hold of, and misinterpreted, and that they could not be liable to be charged with mutiny, for not knowing whether their engagement was for two years or for one.

Captain *Pechell* said, he would not go back to the wars of the Black Prince, but confine himself to the question before the House, which was one of deep interest. He contended, that the Legion had rendered considerable service to Spain, and that the course pursued by Ministers was one which would, in many respects, prove advantageous to this country. It had been stated, and he believed truly, that the Government of Spain was entirely governed by the moral influence of England. What gave us that influence? The fulfilment of our engagements with her. What was its effect? The complete abolition of the slave trade. It was to the treaty of 1835, concluded by the noble Lord (Palmerston) that the abolition of that nefarious traffic was entirely owing. During the reign of Ferdinand, the Seventh, England never could obtain any moral power over the Spanish Government as regarded it; and in all that time, that hon. Gentlemen opposite held office, they could make no impression on the councils of Spain. He would next proceed to the other advantages to this country, from the fulfilment of the Quadruple Treaty with Spain. One of the chief of these was the employment of the officers of the navy in the service. That was an advantage totally neglected in the consideration of the question by the hon. Member opposite. The officers and men of two small brigs, had not only built two bridges over the most dangerous parts of the Bilbao River, but had also shown the forces of the Queen of Spain, the way to cross them in the face of the enemy, thus proving that a long peace had neither interfered with the courage of the rising generation of officers and men, nor with their conduct and discipline. Another advantage gained, too, was the knowledge of the power of steam-vessels as engines of war—a knowledge unattainable before, because they were unknown in action. By their agency, and the accurate practices of the artillery, another advantage was in evidence of our national resources; the Carlists works on the Bilbao river, had been completely destroyed, whenever they came within the range of their guns. This employment of a part of our naval force, and the knowledge of our undiminished spirit derived from it, together with the valuable experience in a warlike point of view, which our navy acquired, was, he considered, of the greatest advantage. He would now turn to the commercial advantages. Who would deny, that keeping open the port of Bilbao, was an important advantage to our trade with Spain? Who would dare to assert, that that port would not be closed against us, if it were in possession of the Carlists? It was the same with the other ports of that country, which, if occupied by the Carlists, would most assuredly be shut against England, and everything liberal, though hon. Gentlemen opposite, the noble Lord, perhaps, and the late hon. Member for Dover, might have permission to enter them. Without meaning anything personally disrespectful to the noble Lord, he felt bound to say, that he considered his speech a most miserable failure for the purpose intended by it. He disapproved of the tone and temper in which the debates on the subject before the House, had ever been carried on; and he could not help condemning the insinuations in which many hon. and gallant Members on the other side, military men, and officers themselves, had indulged against the hon. and gallant Member for Westminster. He was not one of those who would participate in the ruin of a brother officer, for the sake of indulging party spirit, or party feelings. With respect to the Motion before the House, he could not conceive how it was possible that it should be entertained; especially as the only object, it seemed to have was the condemnation of her Majesty's Government, for permitting the employment of her Majesty's subjects, in the execution of a solemn treaty between this country and another. He should give it his decided opposition.

Mr. *Poulter* thought, that this Motion was made, not because it was considered that the Government showed want of energy, or that his hon. and gallant Friend, (Sir De Lacy Evans), exhibited any defect of talent, but because our hopes had not, in all respects, and to the highest degree, been fulfilled. The Motion of the noble Lord was similar to that brought forward by the hon. and gallant Member for Launceston, shortly after the reverse of the 16th of March. The very same kind of appeal was now made, when general disappointment prevailed at the dismissal of the British Legion, and when considerable depression was produced on the minds of those attached to the constitutional government in Spain, because they felt, that the talents and energy of his hon. and gallant Friend (Colonel Evans), were calculated, in a very high degree, to promote the success of the constitutional cause. Now, he would ask the noble Lord (Elliot), or the hon. and gallant Gentleman (Sir Henry Hardinge), whether any man, when he reflected on the whole state and merits of the case, could have any difficulty in finding a complete solution of the question, why the efforts of the Government, and of his hon. and gallant Friend, had not been more successful? Did not everybody know, that there were other parties who had failed in that honest and sincere co-operation, which they were bound to have afforded, in concurrence with the efforts of this country? Was it not known, that in the debates on this subject, in the chamber of deputies in France, many honourable and independent Members started up, and stated their regret at the miserable and false position in which their country was placed, and contrasted the inactivity and apathy of their government with the honest efforts and energy displayed by that of England: He knew that this was a subject on which great delicacy must be observed. He knew it was one on which the mouths of the Ministers must be shut; he was aware of the delicacy, or rather, the indelicacy, of making reflections on a prince with whom we were on terms of amity; but he maintained, (and he said it with deep regret) that one of the main parties to an honourable treaty, had not only not acted up to its spirit, but had trampled it under foot. Yes, while Don Carlos had been receiving large sums of money, which could have alone enabled him to maintain a large army, was it not notorious that he was supplied through the markets of France? He should be glad to know, whether, if the army, now at the foot of the Pyrenees, was not that of Charles 5th, but of Henry 5th, France would not have found means of hermetically sealing the pass of the Pyrenees, and preventing supplies from reaching the army to which she was opposed? Why had not the troops, which fought to such little effect at Constantina, been found side by side with the Legion, and the British marines in upholding the constitution of Spain? Thousands of the French army perished on the coast of Algiers, for the gratification of ambition, when they might be more usefully and honourably employed in advancing the cause of constitutional government in Spain. He was afraid, that domestic opinions were too extensively allowed to enter into the spirit of the policy pursued by the Government of France towards Spain. He thought, that those who had reason to complain of atrocious attempts upon human life, ought to be the last to pursue a line of policy which could only be followed up by an enormous waste of blood and treasure. He could see nothing in the conduct of the hon. and gallant Member for Westminster, which was not deserving of the highest admiration. Count Harispe, the commander-in-chief of the French force on the frontier, one of the bravest and most experienced officers in the service, and who had no earthly motive for going out of his way to express an opinion, wrote to General Evans shortly after the check which the latter had received, and, after conveying to him the sympathy of a soldier who had himself met with military vicissitudes, gave him the honourable assurance that his character and reputation for military conduct stood unimpeached, and the glory of the British arms untarnished. He could not contrast, except with Spain, the honourable conduct of General Harispe and that pursued by certain persons in this country, who endeavoured, as far as they could, to cry the legion down, and bring their countrymen into disgrace. His hon. and gallant Friend's character and conduct had been amply vindicated; and nothing could be brought forward against him, except a miserable quibble as to the application of one of the articles of war. No reasonable man could doubt, that, placed as his gallant Friend was, in trying and difficult circumstances, he was justified in making a slight deviation. His conduct and pledges had been nobly redeemed to the letter. He could not avoid referring with pleasure to the gallant conduct of the small body of men who distinguished themselves so much at Andoain. Though placed in circumstances of difficulty and hardship, greater than a small body of men were ever placed in, they nobly stood their ground, and perished rather than bring disgrace upon their country. He trusted that no attempts made at the other side, no opposition given, would induce the noble Lord at the head of foreign affairs to discontinue affording to the Government of the Queen of Spain that effective co-operation which honour and good faith demanded, or to relax in his efforts for the restoration of peace, and freedom, and good government in that unhappy country. He trusted that they would not ignobly abandon that, the second constitution, placed in their hands. They were forced, perhaps from necessity, to abandon the sacred cause of freedom and constitutional government in Poland, and he hoped that their experience upon that subject would prevent them from abandoning the constitutional cause in Spain. If the cause of freedom in Spain was abandoned, there was an end for ever to the honour and faith both of France and England.

Mr. *Herbert* said, that as far as he had yet seen the progress of the Spanish Government, he could not come to the conclusion which appeared to have been arrived at by several hon. gentlemen opposite, and bring himself to think that that Government would exhibit any extraordinary extent of freedom and civilization. The hon. and gallant Officer opposite, the Member for Brighton, (Captain Pechell) appeared to advocate a co-operation with the Spanish Government, under the expectation that they would in gratitude follow up and fully and fairly carry into execution the treaty of 1835, for the suppression of the slave trade. The past experience of the good faith of the Spanish Government, would tend to show the little foundation which existed for entertaining such a hope. He was not one of those who thought that the progress of liberal opinions in Spain afforded any security for the suppression of the slave-trade. The strenuous resistance given to it by the democratic government of America was a convincing proof that the holding of extreme and speculative opinions upon questions of Government was perfectly compatible not only with an unwillingness, but a positive refusal to put them into practice when it militated against their own interest. Since her Majesty's Government had thought proper to embark themselves and the country in the cause of the Queen of Spain, it was only reasonable to require them to explain what advantages had resulted to the people of this country, or what benefits had been derived to them from that interference. The people of England, who always looked with jealousy upon any interference in the purely domestic concerns of a foreign country, would naturally ask what the reasons were which induced the Government to interfere, and having interfered, what good resulted from it, either to themselves or to the people upon whose behalf that interference was exercised. To the people of Spain the consequence had been the bringing into power of a Ministry who had abolished the law of entail, broken down the barriers of aristocracy, and left the country in a state of confusion and disorder. The Judge Advocate had stated, that the egion had rendered most valuable and important services to the cause of the Queen of Spain, but he believed that there existed among persons competent to form a judgment, a great difference of opinion upon that subject. He did not seek, in the observations which he was offering to the House, to throw any imputation upon the gallant Officer opposite; the feelings of his side of the House were very much misconceived by those who charged them with depreciating their own countrymen, or not feeling a sympathy for the disasters which had befallen them, and the privations which they had endured. It was not said that the gallant Officer who had been selected was incompetent or incapable, or that he did not display the greatest bravery; but that the Government had placed him in a position in which all his efforts were ineffectual, it had set him down before enemies in a high state of exasperation against his forces, as intruders and as adventurers, who had wantonly come to improve themselves in the art of war, while those he went to assist, did not wish him to succeed, neither party could be expected to look upon the legion with a favourable eye. The Durango decree was passed, the fault of which must lie upon the heads of those who wantonly allowed and encouraged an interference with the civil war of another people. There arose such a jealousy of the legion, even among the Christino party, that all active co-operation was rendered impossible, and the Spanish officers in command of the Queen's troops would rather see the legion vanquished than victorious. The opposition complained, that their countrymen had been placed in such a position as to entail upon them all the odium of interference, and all the ridicule of failure. If they were to interfere at all, the propriety of which was extremely questionable, he thought they ought to interfere in a manner worthy of a great and powerful nation, in condition to show that their interference was not to be despised. This country had absolutely gained nothing whatever by the interference. At the Court of Madrid, their influence instead of being on the increase, was daily diminishing, and they had a government hostile to them. He held the noble Lord at the head of Foreign Affairs deeply and wholly responsible for all the mischievous consequences of the policy which he had pursued of his own free will. There was no pressure upon him, he was not hallooed on by any feelings of excitement, or by any complaints of injuries sustained. There was throughout this country a growing feeling of indignation, because, instead of gaining anything, the military character of the nation had been compromised. It was easy to perceive, that the historical notices which had been quoted, did not bear the slightest analogy to the present case. He would go through them minutely, but was unwilling to weary the House. Great dissatisfaction was felt throughout the country at the noble Lord not making any announcement that it was not intended to renew the repeal of the Foreign Enlistment Act. Its repeal had either been advantageous to the Spanish government or it had not. If it had been of no advantage, then the interference of her Majesty's Government had been nugatory and futile. If, on the contrary, it had been of any service, the only effect of it was to set up the minority at the expense of the majority, for almost all the peasantry continued to flock round Don Carlos. [“*No, no!*”] Hon. Gentlemen cried, “no, no,” but he would ask, could they deny that the majority of the people was with Don Carlos. Hon. Gentlemen, before they gave their votes, ought to recollect that the struggle in Spain had been now going on for more than five years; that during that period all the commercial advantages which they enjoyed from Spain had been diminished, and that they were deprived of all access to the Basque provinces for the purposes of trade, custom houses having been by the Carlists everywhere set up against them. They should recollect, that from interference with the affairs of Spain, they had not only not gained anything, but had compromised themselves in the eyes of Europe. He trusted that they would pause and deliberate before they gave the sanction of their votes to a large and wanton expenditure of the public money at a time when they had so much distress among their own population at home. Those hon. Gentlemen who had distressed constituencies would probably not find them disposed to countenance their representatives in supporting Government in a course of policy which had already swallowed so large a portion of the revenue. He begged to apologise to the House for having trespassed so long upon their attention. He trusted most sincerely that many hon. Gentlemen who were in the habit of supporting her Majesty's Government, almost with pertinacity, would upon the present occasion, be cautious how they sanctioned the continuance of a contest, which had rendered their country ridiculous, not only in Spain but in Portugal, so much so, that any person bearing the name of an Englishman was in danger of losing his life while walking in the public streets. For these reasons he would support the motion of the noble Lord.

Sir *H. Vivian* could assure the House, that it was with great reluctance he threw himself upon their attention and indulgence. As the question under discussion, however, bore reference to the profession to which he had the honour to belong, he hoped to be indulged for a short time. He had listened with great attention to the speeches of hon. Gentlemen at the other side of the House, more particularly to the speech of his noble colleague in the representation of East Cornwall, (Lord Eliot) part of which had afforded him great pleasure, as being both creditable to the noble Lord himself, and advantageous to humanity. He could not, however, bring himself to think that it was at all desirable that the valuable assistance which had been hitherto afforded to the government of the Queen of Spain, should be withdrawn. He could not think that the assistance so afforded had not been of advantage to the Spanish Government. Those who felt the advantages of the interference of this country, were the best judges how far that assistance had been useful to them. The documents upon the table afforded ample evidence that the people of Spain were sensible of the advantages which they derived from the presence of the Legion and Marines. The letter of Señor Mendizabal to Mr. Villiers, and that of the Spanish Minister in London to Lord Palmerston, demonstrated the high opinion which the Spanish government entertained of the services rendered to it by the Legion. It was impossible for any one who had read those documents to doubt, that the assistance rendered by this country to Spain, had been most acceptable, and that Spain had benefitted by it. He would wish to look upon the question in a broader, more general and more comprehensive view. He would ask whether the assistance which they had rendered to the Spanish government had not been useful in preserving the peace of Europe. He referred particularly to the preservation of the city of Bilbao from the hands of the Carlists, in consequence of the assistance sent from this country. He would also specify St. Sebastian and Passages, which had been rescued from the Carlists. Supposing that these three places had fallen into the power of the Carlists, there was reason to believe, that the northern powers would boldly come forward in support of Don Carlos, and proclaim him king. Thus would the peace of Europe be endangered, and from this danger had the interference of the British Government relieved them. He was of opinion that the assistance rendered to the Queen of Spain by the Legion, had been of infinite service to the Spanish nation, and not only to them, but to the cause of civilization in Europe. He wished to say a few words upon the conduct of the Legion, which had been so much spoken of in that House. As he had gone so fully into that question on a former night, he did not think it then necessary to occupy the time of the House long upon it. He wished to direct the attention of the House to the documents before them. Even Carlist witnesses had borne testimony to the gallantry with which the Legion had behaved. General Soraa and other Carlist officers, who were taken prisoners at Irun, had borne the most honourable and disinterested testimony to the bravery and humanity of the Legion. Being asked by the most cruel officers of Don Carlos, and who had assisted in executing the miscreant and abominable Durango decree, to spare their lives, the Legion did so, and treated him with the greatest humanity and kindness. But how did the Carlists make return for the kindness and humanity of his gallant Friend (General Evans)? Part of the Scotch Legion was shut up in the church at Andoain after having capitulated. They were, every man of them, butchered in cold blood. His noble Colleague spoke of the Legion as a failure. He (Sir Hussey Vivian) entirely denied, that it had been a failure. Perhaps they were not altogether so successful as the sanguine anticipations of their friends might have expected; and that might be easily accounted for, and yet be no reflection upon their conduct, or the conduct of the Government which sent them out. They all knew well the difficulties experienced by his gallant Friend, placed as he was at the head of a body of men brought together under peculiar circumstances, almost wholly without discipline, and thrown, for the first time, upon a foreign land. They were thrown into that part of the country where they found a large number of the enemy ready to oppose them. Would hon. Gentlemen opposite think of sending this force to Malaga, or Barcelona, or other places where there were no enemies to oppose them? Instead of being sent where there were no enemies to be met with, they were sent into the strong hold of the Carlists, the place where assistance could be most effectually rendered in pursuance of the treaty. What, he asked, was the cause of the failure, if failure there were? Let them look at the state of Spain, which since the revolution had been over-run by French armies, and had lost all her colonies and riches. Those hon. Gentlemen who were unfavourable to the retention of colonies might derive a useful lesson from the poverty brought upon Spain by the loss of her colonies, and by her inability to pay the troops sent out to her assistance from this country. That was no fault of the Legion, or of his gallant Friend, its commander, or of those by whom the Legion was sent out. How could the Government be aware of the impoverished state of the coffers of the Spanish territory? How were they to ascertain the funds in the treasury of Spain? He confidently believed, that if the Spanish Funds were in a prosperous state, and if their resources had not failed, there would now be a Legion in Spain useful to the Government. Upon the score of precedent, too, the appointment of the Legion was justifiable. There was formerly a German Legion and a Hessian Legion, and during the American war England had employed various auxiliaries. Scenes of bloodshed were not a novelty in Spain. During the wars of Peterborough the same cruelty had been practised as on recent occasions, and when he himself was marching to the Pyrenees he passed Pampeluna on the day the French were about to evacuate that place, when a scene of the most revolting cruelty presented itself. When the French soldiers had piled their arms, the Spaniards seized on their accoutrements, and threatened death in case of resistance. On the following day he rode into the town, where he saw the bodies of several French soldiers who had fallen victims to the sanguinary disposition of the Spanish. It could not, at least, be said that the British Government had sent out troops to provoke scenes of carnage altogether new to Spain. With respect to the interference, on which so much stress had been laid, he thought that Government had acted on a strictly constitutional principle, and had adopted a course not only of advantage to Spain, but also tending to promote the best interests of this country. Mr. Canning had been alluded to in the debate; but did not that great statesman say in that House, that he had brought a new world into life for the purpose of restoring the balance of power in Europe? He maintained, that her Majesty's Government were only following out the principle of that great man by using every exertion to restore the constitutional Government of Spain, and with it to restore the balance of power in Europe. Mr. Canning had also stated his opinion, that France might be enabled to acquire great power in Spain, which would be injurious to the interests of other countries. The noble Lord opposite had said, that so large a supply of arms had been sent from the Ordnance, that none were left to furnish the Guards with a fresh supply when they were wanted, This was an error, as no application for arms had been made by the Guards, and, though a large quantity had been sent out to Spain, still plenty were reserved at home for the Guards and for all other troops. It was said, that assistance given to Spain had not been called for by the treaty, and that the naval force had been employed in an unusual manner. Such was not the fact, as whenever the British army was employed, the British sailors and marines were ready to fight on shore if it were deemed necessary. Believing that it would be unjust to refuse assistance to Spain, and that the interference of England was necessary for the continuance of peace in Europe, by restoring the Spanish constitution, he felt bound to vote against the motion of the noble Lord. With respect to that part of the resolution requesting that her Majesty would not renew the Order in Council, he thought the return of the Legion had rendered such a step unnecessary.

Lord *Mahon* said, it would be unnecessary and presumptuous in him to speak at any length on a subject that had been already so ably discussed; but he felt himself bound to claim the attention of the House for a short time. He begged leave to repeat what he had said on a former evening, that he did not entertain the least doubt of the valour and gallantry of the Legion, but he complained that battles should have been fought, and privations endured, at the caprice of a foreign Government, and (in the words of the resolution) without any advantage either to the interests of this country or to those of Spain. These were strong assertions against the auxiliary troops; but could it be said that England gained either glory or advantage by their exertions? The noble Lord opposite (Lord Palmerston) had defended the other evening, not only the policy of the Government towards Spain, but also that with respect to Canada, which latter (although it ended in rebellion) the noble Lord had characterised as the brightest ornament of his Administration. Now, with respect to Spain, although no one could dispute the bravery of the British Legion, and of the gallant officer who commanded it, it would be fulsome adulation, it would be uncivil irony, to say that England had gained the least glory by the policy of Government. But the noble Lord might say, that other points had been gained. What were they? He begged the House to consider the expense to which the country had been put The arms sent to Spain were at a cost of 537,000*l.* The arrears due to the Legion (which the hon. Member for Lambeth recommended the Government to hold themselves bound for) amounted to 250,000*l.* Then there were ships engaged exclusively in this war, the expense of which, with the expenses previously named, would amount to 1,000,000*l.*, a sum sufficient to keep up the yeomanry of this country for many years, which yeomanry hon. Members opposite, in their mistaken notions of economy, were so anxious to reduce. What, he would ask, did this country gain, in return for those expenses, from Spain? Nothing but the return of a lot of helpless, legless, armless victims. It was not a subject for laughter. Soldiers that had fought so bravely ought to excite sympathy, not merriment, by their sufferings. The gallant Officer, the Member for Westminster, said, that there were many impostors amongst those who professed to have been in the Legion. Such might be the case in a few instances, but there was no deceit in broken legs and festering wounds. With respect to the commerce of this country (continued the noble Lord), I beg to claim the attention of the House to the conduct of the Spanish Government. In the papers laid before the House of Commons is a despatch from M. Calatrava to Mr. Villiers, dated January 14, 1837, in which he announces an order of the Queen of Spain, that the British subjects resident in Spain shall not be included in the exaction of the forced loan of 200,000,000 reals, nor yet in the service of the national militia. Yet, in the face of this engagement, a decree was issued by the Minister of Finance, on the 11th of September, 1837, declaring that all foreigners in Spain, who are not mere *transientes,* or temporary travellers, shall be subject to the same charges and grievances *(cargas y gravamines)* as Spaniards. This decree was published at Almeria in the course of the same month, and not only published but enforced. The house of Messrs. Macdonnell and O'Conor, most eminent British merchants, settled in that town, was forcibly entered, and a sum of 500 dollars abstracted, in part of the compulsory loan. Mr. O'Conor himself was compelled, contrary to his wish, to serve the burdensome and critical office of Regidor. I am informed that another

Englishman at Almeria, Mr. M'Neven, was likewise enlisted a common soldier in the Quintos, at Almeira, so that if the Carlists were to enter that province, this gentleman would have to march against them in the Spanish ranks. Nay, more, since the Queen's generals refused to extend the Eliot convention beyond the Basque provinces, if Mr. M'Neven were taken prisoner, he—this British subject—might not improbably be liable to military execution. And is such a chance to be contemplated without indignation by a British House of Commons? Now, what redress has been obtained for these grievances? I do not doubt—nay, indeed, I know—that Sir George Villiers has not been neglectful of his duty in sending in repeated remonstrances against them. But what answer has he received from the Spanish Ministers? What influence has the policy of the noble Lord opposite gained us at Madrid? The answers of the Spanish Ministers were, I have no doubt, in a highly complimentary strain, and according to their usual tone, assuring his Excellency " of their most distinguished consideration," and hoping that " his Excellency may live a thousand years." The Spanish memorials then promise, that the grievances shall be immediately inquired into and considered of. Inquiry! Sir, there have been years of inquiry and of promises as to the grievances of English merchants in Spain, but let the noble Lord show me, if he can, one day, one hour, of real practical redress. I have a copy of a letter addressed to the noble Lord opposite, from Mr. Macdonnell, dated the 20th of November last. He says—

> " I regret to observe, that up to the last accounts the remonstrances of Mr. Villiers have proved fruitless in any substantial result, and that the parties in whose behalf I appealed to your Lordships have remained without redress. On the contrary, I shall proceed to show your Lordship the settled design of the Spanish Government in contradiction of their diplomatic assurances to justify and perpetrate upon all foreign merchants (British included) exactions such as those I have complained of. It appears, however, by a communication of February 12, 1838, that after infinite solicitation and trouble, Mr. Macdonnell succeeded in recovering about half the money taken from him, but for the remainder was obliged to be satisfied with a very doubtful and distant security—a bill upon the Spanish duties receivable in 1839 and 1840; and such is the kind and liberal treatment which we owe to the able and judicious policy of the noble Lord, bought too at a very trifling cost—only a million of British money—only 3,000 British lives."

The noble Lord continued, it would be presumptuous in him to express an opinion on military matters, but he begged leave to quote from a speech of the Duke of Wellington on the advantages gained by the British Legion in Spain. He solicited the attention of those hon. and right hon. Gentlemen opposite, who of late had so warmly and justly praised the opinions of the noble Duke. Whenever those opinions suited their own purposes then their panegyric was great, and he hoped if the testimony of the noble Duke was in the present instance a little unfavourable to them, it would not be looked on as altogether unworthy their notice. On the 21st of April, 1837, the Duke of Wellington said,

> " The whole of the policy of the British Government, therefore, all the operations of the British Legion, backed by the British Squadron, have effected nothing more nor less towards putting an end to the war, and giving peace to Spain and Europe, than the removal of the blockade of St. Sebastian from one point to another. . . . I defy any noble Lord to show, that a single advantage of any description has been gained from that day to this. . . . The amount of inconvenience felt by the town from the Carlist force being in its neighbourhood was neither more nor less than the unpleasantness of ladies and gentlemen residing there being prevented from taking their evening walks in the neighbourhood. This is the whole amount of the inconvenience from which the town was relieved, and the whole amount of the service rendered."

Such was the opinion of the noble Duke, and he would ask if Spain had gained any advantage by the interference of England. He should say, certainly not, but, that the country was in a much worse state than before. Let the state of Spain in 1825 (when the noble Lord came into office) be compared with that of 1838, and it would be proved how much worse the present condition of the country was. The Spanish Ministry had broken faith with all parties. They had deprived the ministers of religion of all their property on the promise that pensions would be given, but those pensions had not as yet been paid. Such conduct could certainly not claim the respect of the hon. and gallant Member for Westminster, although he said the other evening, that the Spanish people, who were about to reform their church, had a right to expect sympathy from the English nation, which was trying to work out a similar reform. The noble Lord said, the treaty should be adhered to. He fully agreed with the noble Lord, but he would not consent to any measure of the Government that would go an iota beyond that treaty. The practical conduct of the Spanish Government was to crush and keep down the liberties and rights of the people. Had not the Basque provinces particular privileges, and had not those privileges been taken away? The municipal privileges of the Basque provinces were the greatest advantages they possessed. He felt deeply on this question, for he had been in Spain and had witnessed the happiness that the Biscayans had enjoyed. It was said, that they were strongly in favour of Don Carlos, but he believed, that they were animated by a feeling of justice and a desire to maintain their rights and privileges; and besides this, they acted on the conviction of the claims of Don Carlos being well founded. He did not say this from any partisanship respecting Don Carlos, but if the Biscayans were to be dispossessed of their privileges they would resist; and, although we might not be in favour of Don Carlos, were we not to grant them what was just and reasonable, hoping by those means to establish a permanent Government in Spain? On another occasion it had been said, that he had thrown doubts on the character of the subsidiary force, and had called it merely a mercenary force; now he had not said anything harsh on the subject, and when he had applied the term "mercenary," he did not mean that those who had entered it had done so from mercenary motives, but because, rightly or wrongly, that word had been applied to the military volunteers of the middle ages. He felt, that he had scarcely a right to address the House so frequently as he had done on these matters, and he could only say, that he thought the facts of the case were so strong, that a plain statement of them would carry the fullest conviction. The more this question was stirred in the House of Commons the more would its mud be raised. The foreign policy of the noble Lord was

> "A mighty monster, of such odious mien,
> "That to be hated needs but to be seen."

Mr. *Vernon Smith* felt it necessary to offer an apology to the House for the observations he had to make, but he wanted no other plea than that the noble Lord who had brought forward this motion had told the House, that he had done so on purpose to try the feelings of the people of England on the subject, and moreover that he had intended it as an attack upon the present Government. As a Member, though a subordinate Member, of that Government, he felt compelled to come forward, but he should not wander far away from the subject, after the example of the noble Lord who had just spoken, by referring to various parts of the world, instead of to the British Legion in Spain. The motion of the noble Lord was entirely an attack on the foreign policy of the Government. As to the question of the renewal of the orders in council, there did not appear to him any necessity for discussing it, and he should therefore dismiss it at once. He perfectly coincided with the opinions which had been expressed by the hon. Gentleman who had spoken as to the noble Lord's speech, and of the peculiar propriety of his being fixed on to bring forward this motion. From the part the noble Lord had taken in the convention with which he seemed proud to associate his name, there was an extreme propriety in his performing this task, and he must say, that the noble Lord had executed it in a manner that had hardly ever been equalled in that House. The only objections which could be found on his side of the House with the speech of the noble Lord was the mildness, he might say the tameness, with which the noble Lord had treated the subject, as though he was afraid of burning himself by the contact. He was well aware of the great difficulty and tediousness which attended all debates upon a moderate line of policy, for it did not supply those topics for the fancy and imagination which a more resolute and violent one would have furnished. The course pursued by the noble Lord had been to condemn the whole policy of the Government of this country, but to that had he confined himself, for he had not undertaken to say the course he should himself recommend. The question before the House was limited to a small space. The noble Lord began, as it was right that he should, after the settlement of the quadruple alliance and the additional articles, and those he would not argue now, even if they had not been defended, as they had been so ably, by his right hon. Friend, the Member for Kircudbright, because they had been adopted by the hon. Gentlemen opposite. When the letter from General Alava, requesting his noble Friend (Lord Palmerston) to furnish assistance had been received, he would ask the noble Lord what course he himself would have pursued? What would have been the course of the Carlists whom the noble Lord had repudiated? Though strange to say that, notwithstanding this repudiation, when any information was brought forward, or any Gentleman produced a letter, with or without signature, upon this subject, it always proceeded from some Carlist colonel or supporters of Don Carlos. The maxim, "*noscitur a sociis*," would, he thought, be the worst that could be applied to them. They had been told by his noble Friend who had last spoken, exactly in the words of the present motion, and which he said he was prepared to move, that no advantage had resulted either to the interests of this country or to those of Spain in consequence of the order in Council. His right hon. Friend, the Master of the Ordnance, had, however, quoted the best possible authority for the advantage which had been derived by Spain, for he had quoted the authority of the Queen of Spain, and of the Spanish Government, and no authority could possibly be better. The House might think it unnecessary to enter into this part of the subject, but they would allow him perhaps to quote from an impartial authority, the *Annual Register* of the day, as to Spanish affairs, what had been the condition of the Carlists and Christinos previous to the issuing the order in Council. It was said then, that the Christinos considered the prospect of the termination of the war as more distant than ever; that Bilbao was blockaded, Vittoria threatened, and that the Carlists were looking forward and gaining great advantages. Now, he would ask any hon. Gentleman opposite, who was only moderately acquainted with Spanish affairs, whether that was the position of the two parties now? Bilbao was not in a state of blockade, Vittoria was no longer threatened, and the Carlists had not gained the great advantages which they had expected. The hon. Member for Wiltshire (Mr. Herbert) had said, that the Carlists and Christinos were on as even terms now as at the commencement of this warfare; but the contrary was notoriously the fact, and he believed, that no person who had recently come from Spain would deny, that the Carlists were confined to a smaller portion of territory than at that time, and, moreover, that by the measures which were produced by this order, every attempt which they had made to leave the Basque provinces had failed, and in their last attempt they had lost the best portion of their troops and officers. As to the operations in those provinces, he believed, on the best testimony, that the same enthusiasm in the cause of Don Carlos did not exist now, and that there was a growing dissatisfaction for both his cause and his person: for recently his best chiefs had been put under arrest, and every one who knew anything of Spain, and of the feelings of the Navarrese towards their chieftains, must know, that this was not likely to conciliate the Carlists. The Legion had not only relieved Bilbao, and occupied St. Sebastian, but had made themselves masters of the passes from the Basque provinces, and had thereby prevented the introduction of the supplies with which the French had hitherto too liberally supplied them. On the other hand, too, the Christinos, during the stay of the Legion there, had improved their forces, their men had become better soldiers, and performed their duty more efficiently. If this were the case, then, it could hardly be said, even putting aside the authority of the Queen of Spain and of the Spanish Government, that the Christinos and Carlists were in the same position now as they were before this order was issued; and he believed so great an advantage had the former gained by it, that an Englishman would be received in that country with open arms in consequence of this connexion. It was easy for hon. Gentlemen to complain of assistance having been given, but what would have been their language if that assistance had not been rendered? This, however, was really a question whether the policy of the Government was English policy or not? He should like to learn what his noble Friend (Lord Palmerston) was to do; for he had to give all the possible assistance which the treaty had stipulated, and not a scanty or pitiful supply, but he had to act up to the very spirit of the treaty in every essential point. The hon. Member for Wiltshire had said, that we talked of the Spanish Government being liberal, but there was, in truth, no liberality in it. He always had considered, that the issue was between liberal and arbitrary principles. Whether the liberality of Spain and of the Spanish Government was that which exactly suited this country, or whether their institutions could be precisely accommodated to the principles established here, he was not prepared to say; but no man acquainted with Spain would hesitate to say, that there was a distinction between the policy of the Queen and of Don Carlos—for the one was decidedly in favour of free institutions, of a Liberal Government, of suppression of slavery, of subjects enjoying religious toleration, and had acknowledged their North American colonies; while the other party was directly the reverse. As to the order of Council, he would not attempt to defend it, because it had been carefully discussed on a recent occasion. He disapproved of the policy of the Foreign Enlistment Act, and had voted for a repeal of it, but the application for a renewal of this order was not an application for a new law. He had said, that it appeared to him that there was no need of this motion, though there was no reason to complain of the manner in which it had been brought forward, nor of the speeches which had been made upon it. His noble Friend had reminded the noble Lord who had quoted from a speech made on another occasion, "that the Canadian rebellion was the brightest gem of British policy," of the inaptness of the quotation; the noble Lord had retracted it, for he saw that although the antithesis might be very eloquent, the expression could not be correctly applied to the present subject. His noble Friend (Lord Mahon) had placed the policy of the Duke of Wellington in contrast with that of the present Government; but he ought to remember that, during the noble Duke's administration of foreign affairs, arms had been sent to Spain, and the noble Duke was therefore answerable for the maintenance of that policy, if adoption were maintenance, for he thought that the Minister who did not alter any policy was answerable for the maintenance of it. It was true that the Duke of Wellington had fulfilled the treaty, and in his opinion no part of the noble Duke's conduct had been more praiseworthy than his execution of that treaty. He should not have alluded to this if his noble Friend had not brought forward the subject. If the present Government then were answerable for the disbandment of the yeomanry, because arms had been sent out to Spain, the noble Duke ought to take his share of the responsibility. He must say, that this topic had been forced in neck and heels, and for the sake of popular applause. He was aware that lengthened discussions on a subject that had been so often before the House must nauseate, and all they had to do was to come to a division and decision on the question. He did not think there was any sufficient reason for this motion; but it was because there was a new Parliament, though he should like to know if hon. Gentlemen who had just returned from their elections had heard any great news of Spanish affairs at the hustings, and whether their election banners had borne the words "Christino" or "Carlist?" The noble Lord, too, the Member for Cornwall, who had referred to this, and who, as he lived nearer the sea shore, had better opportunities of gaining information, might be able to inform him; but he had heard no such rumours in the midland county where he was elected. He did not deny, that the question ought to be brought forward, and that occasionally all the acts of policy of the Government should pass under the review of the House. He was always anxious that the House should take notice of the policy of the Government; but this should be done in the way in which his noble Friend had introduced his motion last Session. Why should the tocsin of alarm be sounded to bring up hon. Gentlemen from the country? What would be gained by it? Hon. Gentlemen opposite said they had nothing to do with the Carlists; but would they then say this was a party question? It must be either a party question or one of assistance to Don Carlos. He would ask any sensible man whether he did not think that if this motion were carried, it would be for the benefit of Don Carlos, and if the eyes of Europe were fixed on their debates, they would look upon it in that view, and want to know what other course of policy could be substituted for that which was under assault. If they denied that it was to assist Don Carlos, and that it was merely to eject the Government, then he would ask them what policy would be adopted, and whether such conduct was Conservative, to use the term which the hon. Gentlemen opposite had arrogated to themselves, having yielded up the old name of Tory? The noble Lord, the

Member for Hertford, when he blamed the Government for the present condition of the affairs of Europe, ought to recollect what the state of Europe was when the right hon. Baronet, the Member for Tamworth, left office. He contended, that England would gain great commercial advantages by her intervention in Spain. Such was the opinion of M. Thiers; and he believed it to be well founded, for Spain had herself acknowledged the beneficial results of that intervention. He regarded the present motion as an attempt on the part of the Opposition—who dared not meet the Government on any question relating to home policy—similar to that recently made under the wing of the hon. Member for Leeds to wriggle themselves into office.

Mr. *Pemberton* could not agree with the hon. Gentleman who had just sat down that the present motion bore any similarity to those to which he had alluded as having been made on former occasions. The object of the present motion was to call upon the House to discuss the course pursued with regard to Spain by her Majesty's Government, and if they should find that it had been unattended by any advantages, either to Spain or to England, then to address her Majesty, beseeching her not to renew those Orders in Council which had hitherto proved in their operation so unproductive of benefit. The hon. Gentleman, instead of addressing himself to the great question involved in this motion, had made a speech composed entirely of the same materials in which what hon. Gentlemen opposite called the barbarity of the Carlists had, on many former occasions, been railed against—and had accused the Conservative party with abetting and favouring despotic principles. He would tell that hon. Gentleman what was the principle of this motion. It was that great principle that this country ought not to interfere in the internal affairs of others without adequate cause. It was the object of this motion to assert that by such an interference as had been adopted with regard to the affairs of Spain that great and most important principle had been violated—and, therefore, to call upon the House to address her Majesty, in the hope that such a course of policy would no longer be persevered in. The principle they thus called upon the House to assert was one which, unless he was much mistaken, he had heard asserted by the noble Lord opposite, and was one of the principles on which Earl Grey's Government took office—Lord Grey having himself expressly stated, that non-interference in the internal affairs of foreign nations was one of the three great principles on which his Government was determined and professed to found its policy. He might not recollect what was said at the time upon this point, but it appeared he was not singular in that mis-recollection, if so it could be called; for, on referring to a speech which was made by Earl Grey himself on entering office, in what language did he find this principle of non-interference announced—or rather, what consistency did the conduct of the noble Lord opposite exhibit when contrasted with the language of the noble Earl on the occasion to which he referred? The words of Earl Grey on taking office were, "But, my Lords, I now repeat in office that which I before stated as my opinion when out of it, namely, that the first object, interest, and duty of the British Government ought to be to maintain peace by all the means within its power, consistently with the honour and integrity of the empire. Our true policy is to maintain universal peace; and, therefore, non-interference is the principle—the great principle—which ought to be, and will be, most heartily adopted by the present Government."* The object of those, then, who brought forward the present motion was to call upon the House of Commons to respect this great principle, to re-adopt this policy, and to address the Throne, praying that her Majesty would no longer permit the continuance of the employment of British troops in the contest between the two great parties now at war in Spain. The propositions which this motion asserted were—first, that the course pursued with regard to Spain was unattended with any advantage to England; secondly, that it was unaccompanied by any benefits to Spain herself; and, thirdly, that this country was not bound by any existing treaties with Spain to perform duties inconsistent with the principle of non-interference in the internal affairs of other countries. These were facts which could not be displaced by any clamorous railing against Don Carlos. They must give their verdict upon principles like these in the same manner as the country gave it. But had the policy of the Government been in unison with these principles? As far as the interests of this country were concerned no man had ever contended, that the policy pursued had been attended with advantage. Had our alliance with either France or Spain been strengthened or promoted by that policy? Had not Gentleman after Gentleman, in discussing this question, charged France, one of the great contracting parties to the Quadruple Treaty, with the violation of that treaty? With respect, then, to the conduct of France and this country it was evident that one of the parties must have been guilty of most egregious folly, and the other of most egregious treachery. He had made no reflections upon the officer who had commanded, or the officers who had been engaged in this contest in Spain. He had the pleasure of knowing some of those officers, and could not speak of them more highly than they deserved. It was not for him to criticise the military conduct of those men. He well knew that, contrasting the position in which their commander had been placed in the Spanish country with that occupied in former days by his great predecessor, no very great military reputation was to be gained. All the laurels had been gathered there before. But did not all the disasters which had befallen the British Legion afford a powerful argument against the policy of the Government, and did it not justify the remark which was long ago made, that, from the first moment those troops left the British shore, they had no chance whatever of success? What, then, was the nature of the charge against her Majesty's Government? It was that they had so far miscalculated the force of the Carlists and the Christinos, and so far erred in their speculations with regard to the Spanish finances, that they had encouraged their own countrymen to enter upon an expedition in which certain failure awaited them—and he must be allowed to say, that it was incumbent on them as a Government to show on what considerations they had given countenance or encouragement to the British forces leaving the shores of this country. Where were the advantages of such a course to be looked for? Were they to be found in the contrast of the state of Spain when that Legion landed there, with its state at the present moment? He appealed to the opinion which had been quoted of that great captain, the Duke of Wellington, and the opinion of such a man he considered of far greater utility tha the complimentary addresses of the Queen-Regent of Spain, on the departure of the Legion. What, he would ask, was the difference in the feeling of the Spaniards towards Englishmen at the present moment and before the Legion first went out? Did they not consider our interference in their affairs a most unjust one? Was there not on the one side jealousy, and on the other anger? Look at the consequences of the change of policy from that pursued when the Duke of Wellington administered the foreign affairs of this country. The Eliot convention which had been arranged by the Duke of Wellington's Administration had saved hundreds and hundreds of families from ruin and destruction, and that treaty was obtained, not by such means as the present Government adopted, but by means of kind offices, mediation, and conciliation. On the 1st of June, 1835, the present Government began their course of peddling policy; and very soon afterwards foreigners and strangers were embarked in the Spanish contest, and the result was the Durango decree—a measure which the Spaniards considered had been rendered necessary by the policy which had been pursued towards them. He believed, that no human being had more reason to regret the Durango decree than Don Carlos himself, for nothing but the indignation which that decree had excited against him could have driven the people of this country to the gross injustice and impolicy of the course which they pursued. With respect to the advantage which this assistance had produced to Spain, he might ask, what had been the result so far as the cause of the Queen of Spain was concerned? It seemed to be admitted on all hands, that the test of the military operations, contrasting their former with their present state, was favourable to the Carlist cause. In proof of this he might appeal to the state of the Carlist forces at the time the Durango edict was issued and at the present time, but he believed there was no dispute as to the point on either side of that House. He might even appeal to the testimony of the noble Lord opposite, the Secretary of State for Foreign Affairs, and he would venture to request the House to contrast the state of the Carlist army at the period the noble Lord gave the description to which he referred with the state of that army at the present moment, and then they would see whether the result of the interference on the part of the British Government, purchased with so much blood and treasure, did in any way promote the interests of the Queen of Spain or not. On the 24th of June, 1835, this was the account of the Carlist troops given by the noble Secretary. The noble Lord said—

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* Hansard, vol. i. (Third Series) p. 610.

> "There are now about 10,000 or 12,000 persons in arms in one of the remote provinces of Spain, and it is to put down this partial and local insurrection that the present effort is to be made. And here I will answer the question of the noble Lord who asks me on which side is the majority of the Spanish nation, and I have no hesitation in saying, that the great majority of the nation is with the Queen. The proof of this fact is to be found in the circumstance, that for nearly a year and a half the resistance of her authority has been confined to two or three particular provinces, and that no disturbances have broken out in any other parts of the kingdom."

Such was the condition of the Carlists at this period, according to the noble Lord, and then it was, that the 10,000 or 12,000 British troops were sent out to aid the Spanish Government in putting down the insurrection. Well, the Legion were sent out—they arrived, and were backed by 100,000 troops belonging to the Queen of Spain; but what was the consequence? Why, that two years had elapsed, the legion had returned, and where, he asked, were the 10,000 or 12,000 British troops? They were annihilated. How stood the Carlists on the day the affair of Hernani took place? Why, they had 35,000 men assembled under a single leader, and in one district of Spain, to operate against the united forces of England and of the Queen of Spain. He made this statement on the authority of Colonel Humphreys, as able and as gallant an officer as any who served in the Legion, and who, moreover, was himself present in that action. This was the result of the interference of her Majesty's Government. The noble Lord might, perhaps, say he had miscalculated —he had been ignorant as to the real feeling of the Spanish people—but if he should adopt any such course why, then, he would have a right to say, that there were grounds for serious complaint against the noble Lord for having permitted 10,000 British troops to embark for Spain wihout sufficent information or knowledge of the real state of affairs in that country. The hon. Gentleman who spoke last said, that if her Majesty's present Government were answerable for the line of conduct which they had adopted the Duke of Wellington was equally so, inasmuch as he had pursued the same policy when he was in office. Did the hon. Gentleman consider that there was no difference between making treaties and fairly and honourably fulfilling them? Did the hon. Gentleman suppose for a single moment, that it was the duty of a Minister — that it was competent for him on his own individual opinion — to depart from the faith established by treaties, not on the part of the Government but of the nation? Of the effect of the treaty of the 22nd of April, 1834, all he could say was, that he could not understand how any question could be raised on that subject. At that time Don Miguel and Don Carlos were hovering on the frontier of Spain, and the Governments of Spain and Portugal entered into a treaty having for its object the expulsion of the Infantes from their territories. In the following month that object was accomplished. Don Miguel retired under conditions, but Don Carlos left without any being imposed upon him. He embarked on board the Donegal, and, having reached this country without condition, he left it again without condition, and threw himself into the arms of those of his own countrymen who were eager to receive him. It was then that the additional articles were added to the treaty, and he would defy any one to point out a single expression in the first treaty, that bound the contracting parties to more than the expulsion of the Infantes from the Spanish and Portuguese territories. That was the sole purpose first stipulated for. By the additional articles a further engagement was entered into for supplying military stores to the Queen of Spain, but nothing whatever was contained in those articles from which it could be inferred, that the contracting parties were bound either to establish the Queen on the throne of Spain or to expel Don Carlos from that country. It was expressly stated, that this treaty proceeded from a desire to establish peace in Spain as well as throughout the whole world, and if so, were not the English Government as much bound to lend their assistance in suppressing revolt or insurrection in all other countries as in

Spain? It might, perhaps, be said, that they had entered into no such contract. He, however, could refer them to authority, high authority, for since the Duke of Wellington had renewed his ancient office of aiding the weak and succouring the distressed he had acquired a reputation among the hon. Gentlemen opposite which he never before had enjoyed. No persons stood more in need of assistance than her Majesty's Ministers, and having received it from the Duke of Wellington it was not surprising that they were not wanting in expressions of gratitude for the timely service he rendered to them. The noble Lord would not object to the construction put on it by those who made the treaty. Now what was the opinion of the Duke of Wellington with respect to this treaty? Was it such as the noble Lord on a former occasion considered it, or as his hon. and learned Friend, the Member for Shaftesbury now, in what he could not help regarding as dying strains, represented it to be? The Duke of Wellington, in a speech delivered by him on the 21st of April, 1837, and which was afterwards corrected by himself, declared his opinion in these words:—

> "These additional articles were signed in the month of August, 1834, and in the month of Nov., 1834, I was called upon to carry the treaty into execution. It was not then considered to be a treaty of the description given by the noble Viscount, it was not considered as a treaty for the preservation of the peace of Europe, or as a plan for great operations to be performed by arms. My Lords, I have a right to say this, because I myself had an explanation on the subject—first with the Government of the King of the French, in which it was clearly stated, that the parties were bound not to interfere in the internal concerns of Spain, or in the contest then going on in that country—it was so stated distinctly at that period, and the statement having been communicated to all the parties in the treaty and in the additional articles was satisfactory to all. The noble Viscount appears to be of a different opinion. I refer to the despatch to prove the truth of my statement. That I assert was the distinct understanding of all the parties in the treaty."*

Why, then, if the contract entered into did not justify the interference upon what principle did that interference proceed? No reason had yet been assigned to show that, that interference was necessary. The language of the treaty itself as well as the construction put upon it by those who were parties to it proved incontestibly that the course pursued by the Government was not obligatory on them. This was a fact that could not be denied, and, therefore, he had a right to ask on what principle they were to continue a line of policy so injurious to this country? He heard with surprise the doctrines advocated by some hon. Members that night, who seemed to justify the interference in the present case by a reference to circumstances under which the Hessians were engaged by this country. Were not these mercenaries, he begged leave to ask, ready to sell their swords to Protestants or Catholics, or to people or sovereigns? Were they not content to take pay from that party who would give them the highest reward for their services, without any reference whatever to the case? It was said this country had an interest in the pacification of Spain. Why this country was just as much interested in the pacification of every other country as of Spain. But it was said, that it was to support liberal institutions in Spain that the service was rendered. Was that any justification? Suppose America had adopted a similar course in the case of Canada, what would have been thought of it? Might not America have said, and with equal justice, "We are the friends of free institutions, we are the friends of a liberal Government, we are the friends of democratic institutions, and, regarding as we do the cause of Canada as the cause of that independence which we have achieved for ourselves, we can, therefore, without any breach of amity with you, permit our subjects to engage in the service of the Canadian rebels—we can supply them with ammunition and arms, and then tell you, according to your own doctrine, that we are justified in doing so." It had of late been very much the fashion in that House to refer to the example of France, and to quote the conduct of the French Government as authority. But what was the opinion as to this treaty proclaimed in France? Did Louis Philippe do as the Government of this country had done? Did he repeal existing laws to enable him to interfere in a foreign contest? No, he did not. Why could they not be content to leave the Spaniards to decide for themselves the question as to their own Government? That question would have been settled by the party preponderating in numbers, weight, property, and influence, without foreign aid. And of what consequence was it to the people of England, he should like to know, whether the Government of Spain was more or less liberal and enlightened than that of this country? Whether the Secretary for Foreign Affairs in Spain was less liberal with respect to treaties than the noble Lord opposite, or the Spanish Home Secretary had notions concerning Church property more strict, than those entertained by the noble Lord, the Member for Stroud. The war was to be deeply regretted, but although they might smile at the ignorant simplicity of the Basques for not grasping at a paper Constitution in exchange for the blessings they enjoyed under their charters—although Reformers might sneer at the Basques for not preferring modern to ancient institutions—still he must be permitted to say, that he did not deem such things a sufficient cause for devastating towns and villages, and trampling down the last sparks of liberty in the only province of Spain in which anything like it had existed for centuries.

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* Hansard (Third Series) vol. xxxviii. p. 140.

Mr. *Sheil* said, the learned Gentleman, who has just sat down, has announced, that the object of this Motion is to lay down the principle of non-interference. But as the Quadruple treaty was an interference, and the Duke of Wellington had carried that into effect, the object adverted to by the hon. Gentleman is incompatible with the obligations which the Duke of Wellington practically admitted to have been imposed on him. Let it also be remembered, that the noble Lord opposite, was a Member of the Government, when the original articles were signed. [Lord *Stanley:* I was a member of Lord Grey's Government, not of Lord Melbourne's.] And if the Duke of Wellington comes in to-morrow, the noble Lord will be the colleague of that distinguished person, whose first appointment, when he was last in office, the appointment of Lord Londonderry, the noble Lord denounced. If the noble Lord had not interrupted me, I should not have referred to the nobleman, for whom, so far from entertaining any adverse sentiment in his regard, I entertain personal respect, because he manfully avows his sentiments, and I should not omit to state, that on a recent occasion, that noble Lord declared that he should abstain from pronouncing any censure upon the British Legion, because, in condemning the conduct of his fellow-countrymen, he would not take any part. I opposed his appointment, on grounds solely political. The noble Lord assailed that appointment, in terms stronger than any that were used by me; and yet, if the Duke of Wellington were to return to office, the noble Lord would be his associate in power. But turning from that incident, and reverting to the anomaly in which the Tory party are placed with respect to the quadruple alliance, how, let me ask, can they insist on the principle of non-intervention, when they themselves acted upon it, and when the Members for Pembroke and Lancashire were in the cabinet, when the original articles were signed? Those articles recite the importance of pacifying Spain, and recite the interest that France and England take in that pacification, and then pledge England to a naval intervention in favour of Spain. [Mr. Sheil read the articles.] Who was First Lord of the Admiralty, when those articles were signed? The Member for Pembroke. I cannot, under these circumstances, understand how either the noble Lord or the Member for Pembroke, can consistently insist on the principle of non-interference, as the only and sure foundation of our foreign policy. I now turn to the noble Lord by whom this Motion was introduced. I interrupted him when he was reading the letter of a Carlist officer, but certainly without the least intention of showing him the slightest disrespect. I inquired the date of the letter, merely with a view to learn at what period it was written, as it purports to give an account of the prospects of Don Carlos. I cannot avoid saying, that it seems to me to be not a little extraordinary that a man who professes to take no interest in Don Carlos, should rely upon the statements of a Carlist officer as an authority to prove the prosperity of his cause. I was glad to hear the noble Lord declare, that he was not an advocate of Don Carlos. But when he announced, that he conceived that the Durango decree was contrary to the Elliot convention, surely he ought to have felt that Don Carlos had been guilty of the massacre of British subjects, and that in those atrocities, England cannot be unconcerned. Sir, this Motion involves the consideration of the entire of our foreign policy in reference to the Peninsula, and in order to estimate its wisdom, we must revert to the leading facts with which the Spanish revolution was attended. Ferdinand died in 1833. Although a change had been made in the succession, Zea Bermudez, the tool of Russia, was continued Prime Minister, and declared, that in the system of absolutism, he should persevere. That declaration induced the ministers of Russia, Austria, and Prussia, to continue in Madrid; but when Zea Bermudez was driven from office, and Martinez de la Rosa proclaimed the calling of the Cortes, the liberty of the press, and the abolition of the Inquisition, the ministers of the three despotic potentates left Madrid. What part did it then befit England and France to adopt? Ought they to have availed themselves of the occasion, which was then afforded of producing a counterpoise to the preponderating negligence of the despotic combination, or to have adhered to the policy of the Duke of Wellington in 1828, by which that negligence had been created? In 1828, Russia was permitted to fall on Turkey: she extorted the treaty of Adrianople from the prostrate Sultan, from whom England withheld the slightest aid. If Turkey had not fallen, a diversion might afterwards have been produced in favour of Poland, when that gallant people made an effort to throw off the yoke: but Poland having been crushed, the Czar, in 1833, imposed on Turkey additional fetters, and under the name of protection, reduced her to subjugation. It was in this state of things, that the Spanish revolution took place, and surely the occasion was not one which France and England ought to have allowed to pass, without converting it into a means of counteracting the mighty power which had been permitted to acquire an ascendancy so great. But let me put this view of the case without adverting to incidents which may be considered too remote; if Don Carlos were seated on the throne of Spain, if the allied powers marched upon the Rhine, if the standard of Henri Cinque were unfurled in the south of France, and a Spanish army crossed the Pyrenees, the monarchy of the barricades would perish, and despotism would be established in Portugal, Spain, and France: this, surely, was a likelihood against which it behoved a statesman to provide. The quadruple alliance was entered into with that object. Don Carlos was in Portugal at the time; he subsequently landed in the Basque provinces, and there proclaimed himself and the Inquisition. I stop not to expostulate with those gentlemen whose flexible Protestantism accommodates itself so readily to its political predilections, but proceed with events. Lord Spencer, having died, his late Majesty thought it right to dismiss Lord Melbourne; but, I think, that the Duke of Wellington, for whom he sent, might have suggested that he was not, of all men, the best fitted to carry out the principle, either of the Reform Bill, or of the quadruple alliance. The Duke, however, proceeded to execute the latter, by sending arms to Spain. He, at the same time, dispatched the noble Lord for a purpose which does him honour. But, when the Eliot convention was signed, and thus a species of recognition was given to the Pretender, it was the duty of the Duke of Wellington to counteract the discouragement to the cause of the Queen, which resulted from it, by some bold and decided measure in her support. I think, that I may state, without fear of contradiction, that, from the accession of the Tories to office, the cause of Carlos rapidly advanced. In the Spanish Cortes, the course pursued by the Duke of Wellington was certainly not approved of, and the Martinez de la Rosa ministry, was left in a minority, upon a question connected with the measure which had been adopted by the Duke. Martinez de la Rosa soon after resigned: disaster followed disaster, and in May, 1835, Spain was reduced to the necessity of applying for assistance to France and England. France offered to take possession of the country with an army, but to such a proceeding, we, of course, objected; an indirect intervention was resolved upon, and both France and England supplied auxiliary legions. Thus the same course was pursued by both cabinets, and in praise or in commendation they should both equally participate. If Louis Philippe be lauded for his sagacity, let it be remembered that the policy which he recommended was that pursued by ourselves. Here the question arises, what services did our auxiliary legion render? I answer, the most essential. The cause of the Queen immediately received a great moral impulse, and that of Don Carlos became retrograde. His whole army was occupied by the Legion. The siege of St. Sebastian was raised. This was a most important achievement. All the Carlist artillery was taken, a large body of Carlists were left upon the plain, and Sebastibelza, one of the best captains of the Pretender, was slain. I admit that there was a reverse at Hernani, but it was produced by the omission of Saarsfield to join Colonel Evans, and by the arrival of Don Sebastian with 17,000 men. Colonel Evans had but 9,000. On this reverse too much and too restricted a stress has been laid. I cannot, indeed, forbear from saying, that a criticism of a very stern and severe kind has been used in regard to my gallant Friend and the army which he commanded under most disadvantageous circumstances. What can be more unjust than to use the army of the Duke of Wellington, which was sustained with millions of lavish expenditure, and which constituted so vast an item in the national debt, as the standard by which such a body as that commanded by my gallant Friend is to be severely tried? The use of corporal chastisement in the Legion has been reprehended by those who contend that in our own army, which is perfectly fed and clothed, and is provided with comforts even in time of peace, the lash must be employed; but, surely, in fairness, it ought to be stated, that in the whole course of the campaign not a single soldier was put to death, a fact which redounds, under the circumstances, to the highest honour of my gallant Friend. Let it not be forgotten, too, that while the Carlists savagely butchered every British soldier who fell into their hands, 1,100 Carlist prisoners were spared by those to whom no mercy was shown; and yet it is by casting reproaches on men who acted a part so noble that a charge is sought to be fixed upon the noble Lord of having by his policy brought the national character into disrepute. No, Sir; both in the conduct of the Legion and of the Marines examples of valour will be found which reflect lustre upon our arms. The employment of a naval force was part of the measure adopted by the noble Lord when the Legion was enrolled. By the aid of that naval force Bilbao was saved; the eyes of Europe were fixed on that famous siege, and it was felt, that the fate of Spain depended upon the result. For that important achievement Spain was deeply grateful; and surely where the question is, whether service was conferred upon Spain, the acknowledgments, the fervid, enthusiastic thankfulness, of Spain herself ought to outweigh the arguments of those who insist that no service was rendered to Spain, and add that upon Spain no benefit whatever ought ever to have been conferred. But, supposing that Spain is not to be deemed a competent judge of the extent of obligation conferred upon her, let us see what estimate has been elsewhere formed, and out of this country, of the great transactions which constitute the theme of this debate. I believe that there are few men whose authority stands higher than that of Monsieur Guizot. He is not a man of vehement passions, or of extreme opinions, and his judgment ought surely to be accounted of no ordinary value. To what does Guizot attribute the preservation of Spain, for hitherto she has been preserved from Don Carlos? He refers it, first, to the feelings of the Spanish people; next, to the use of the British navies and artillery; and, thirdly, to the valour of the foreign auxiliary Legion. [Mr. Sheil read a passage from a speech of Guizot, in answer to M. Berryer, which stated these circumstances.] But it may, perhaps, be said, that Guizot alluded to the French auxiliary Legion. I believe that he alluded to both the French and English; and let it be borne in mind that the employment of both was the result of the concurrent determination of both cabinets. Sir, we have heard a good deal about the hardships sustained by the British Legion, and of the demoralization of the soldiers. I own that I was led to conjecture, inasmuch as the French Legion was composed of troops drafted from the line, that its sufferings had not been as severe, and that it had not been so materially disorganised. I found, however, on inquiry, that the fact was otherwise, and that the British Legion, great as were the evils it had to endure, had met with less disaster. I was anxious also to learn what course had been pursued in reference to the French auxiliary Legion by the French Carlists, and whether their press had ever exulted in the reverses of their countrymen; whether every merit had been depreciated, and every fault had been exaggerated; whether the Carlist papers had relied upon the evidence supplied by the effusions of discontented pamphleteers; and whether the misfortunes of Frenchmen had been converted by them into a factious instrumentality; but I found that strong as are the feelings of French Carlists, although they are devoted with enthusiasm to their cause, to the victories of partisanship they preferred the honour of France. But here how different a course has been pursued! The strangest pictures have been drawn of every scene of inevitable suffering in their own countrymen; evils inseparable from war, and which, at all events, were, under the circumstances, unavoidable, have been exhibited in the most vivid colours; our imaginations have been conducted into hospitals, and made familiar with scenes of loathsomeness, in order to excite the public feeling, and associate the Legion with images of disgust and horror; but all this, it may be said, is fair in political warfare; yes, perhaps; but things were done which are not fair, and which fill the breast of every generous man with indignation. Who does not remember who happened to be in London at the time of the last Westminster election, the expedient by which it was sought to drive my gallant Friend from the hustings in discomfiture and discredit? Who does not remember that procession of squalid wretchedness which was intended to represent the sufferings of our fellow-countrymen, and the dishonour of their chief; but served only to exhibit the excesses into which faction will be carried? But I acquit Sir George Murray of any participation in those proceedings; he could not have assented to them; but when they came to his cognizance, he ought to have hurried to the assembly of those who called themselves his friends, and bidden them, if they had no respect for the character of their country, to have some regard for their own. Sir, I do think, that the whole system pursued in reference to my gallant Friend has been marked by a spirit of pertinacity in persecuting him, which ought to engage, and I believe has engaged, the public feeling in his cause. Of him I shall say no more;—and of the motion, I shall say little more than this:—that, however, the Conservative party may protest, that for the success of Don Carlos they are not solicitous, such a motion is most essentially calculated to advance his interests, and is in accordance with the views which a great portion of the Tory press have undisguisedly acknowledged that they entertain. Whatever language may be used in this House, can it be denied, that the great majority of the Tory journals are advocates of Don Carlos, and that their chief and ablest periodicals are his auxiliaries? Take, for example, the article in *The Quarterly Review* upon Lord Carnarvon's "Portugal and Gallicia," a work in which so favourable a view is taken of the character of the Pretender. In that article the writer, after in the first pages declaring his conviction that Don Carlos is the lawful King of Spain, proceeds to expatiate upon the privileges of the Basques, and by connecting those privileges with the cause of Carlos, thus effectively pleads his cause. The same course has been pursued in almost every other Tory publication, and in taking that course the most glaring incongruities have been committed, showing into what anomalies men are hurried by the spirit of faction. The Tory party feel the utmost solicitude for the independence of the Basques; and yet, when they turn to the country which is united on the principle of equality with their own, their enthusiasm at once subsides, and, instead of taking part with men who do not ask exclusive privileges, but a participation in the rights of British citizens, they not only resist that just and rational requisition, but invite the religious passions into hostility to their demand, ring the tocsin of religious discord, and awaken the no popery cry: and who are the men that revile the religion and the pure and Christian priesthood? The very men who, in sustaining the cause of Don Carlos, would restore what they call popery, but what I do not recognise as anything else than the grossest perversion of the Catholic religion, for the worst inquisitorial purposes to which, in an unnatural alliance with despotism, it ever was applied. If ever abuses flowed from the impure connexion of religion with a corrupt contamination of state—if ever the sanctuary was desecrated by its annexation to the palace—if ever baneful effects were generated by the perversion of institutions originally holy—if ever misdeeds were done under the name of religion, at which the blood should curdle—all these enormities are associated with the cause of which Don Carlos is the representative; and to such an extent of late has his impiety—for I can call it nothing else—been carried, that, while he surrenders the Christino women to the indiscriminate licentiousness of a ferocious soldiery, he has had the blasphemous daring to proclaim one, whose name I will not utter, the patroness of his arms. And yet it is with this bad man, whose hands, when they are lifted in prayer, drip with Durango blood; it is with this remorseless, worthless, marble-hearted man, that the sympathies of Anglo-

Carlist Protestants are associated. But, thank God! the people of England entertain for his cause the feelings that befit them—they will, I feel assured, give to the Government of this country their cordial aid in excluding the tyrant from the throne which he would encompass with scenes of blood. Of the result of this contest, in which the interests of humanity and of liberty are so deeply involved, I have but little question; and although the despotic powers of Europe should confederate in favour of the Pretender—although Russia, while she crushes the Catholic religion in Warsaw, would re-establish the inquisition in Madrid—although Austria, while she would extort the Papal territory from its sovereign, would restore the monastic orders to their opulence and their sinecurism—although Prussia, while she imprisons the Catholic prelate of Cologne, would prepare dungeons for heretics at Seville; yet, despite this confederacy, if France be true for the cause of Spanish liberty, there is nothing to be apprehended; and even if France be false (which I do not believe)—if the King of the French shall omit to recollect that England is his only natural ally, and that on the day on which Don Carlos enters the palace, which its architect so appropriately copied from an implement of pain, he must escape by a postern-gate at the Tuilleries; still, despite of perfidy—despite of fraud—despite of the array of European hostility, England, standing alone, will adhere with inviolable fidelity to her engagements, and prove that, as it was said of old, nothing human can be alien from man. Wherever freedom is at stake, England can never be unconcerned.

Debate adjourned.

HOUSE OF LORDS,

Wednesday, March 28, 1838.

MINUTES.] Petitions presented. By Lord BROUGHAM, from Paisley, Errol, Kilmarnock, and a parish in Ayrshire, against additional Endowments to the Scotch Church; from the Female inhabitants of Ipswich, from Bourne (Lincolnshire), from Tunbridge Wells (Kent), from Nottingham, and a great number of other places, amounting in all, the noble Lord said, to 100 petitions, by the Duke of RICHMOND, from a Dissenting Congregation in Chichester, from Cranbrook, and other places in Kent, by the Bishop of HEREFORD, from a parish in his Diocese, and by the Earl of RADNOR, from Malmesbury, Aylesbury, and five other places, all for the abolition of Negro Apprenticeship.

HOUSE OF COMMONS,

Wednesday, March 28, 1838.

MINUTES.] Bills. Read a third time:—Mutiny and Marine Mutiny.—Read a first time:—Attornies and Solicitors (Ireland).

Petitions presented. By Mr. LUSHINGTON, by Mr. HAWES, by Mr. BROTHERTON, by Sir G. STRICKLAND, by Mr. MILNES, by Mr. LEADER, by Mr. WARD, by Captain BERKELEY, by Mr. BARNARD, by Mr. THORNLEY, by Mr. BRODIE, by Lord MAIDSTONE, by Mr. T. ACLAND, by Mr. FRESHFIELD, by Mr. LEFEVRE, by Sir C. STYLE, by Lord W. BENTINCK, by Mr. M. PHILIPS, by Mr. O'CONNELL, by Mr. L. HODGES, by Mr. WAKLEY, by Mr. PENDARVES, by Mr. SCHOLEFIELD, by Captain PECHELL, by Mr. G. EVANS, by Sir G. STAUNTON, by Mr. H. MARSLAND, by Dr. LUSHINGTON, by Mr. PEASE, and by several other hon. GENTLEMEN, a great number of petitions, many of them very numerously signed, and several from bodies of females, for the immediate Abolition of Negro Apprenticeship.—By Lord F. EGERTON, from three gentlemen who had served the office of Chaplain to the House in the time of the late Speaker, for ecclesiastical preferment; from Manchester and from another place, for the repeal of the New Poor-law.—By Mr. BARRY, from two places in the county of Cork, for the settlement of the Tithe question.—By Lord J. STUART, by Mr. KINNAIRD, by Mr. HUME, and by Mr. WALLACE, from places in Scotland, against additional endowments to the Scotch Church.—By Mr. WAKLEY, from Bristol, and from Cordwainers of Brighton, for a mitigation of the sentence passed on the Glasgow Cotton-spinners.—By Sir T. D. ACLAND, from two places in Devonshire, for the amendment of the New Poor law.—By Sir G. GREY, from Tynemouth, for the Abolition of Pluralities in the Church.—By Mr. M. J. O'CONNELL, from several places in Ireland, against the proposed Irish Poor-law.—By Mr. HUME, from Montrose and another place, for the discontinuance of the pension paid to the King of Hanover.—By Mr. WALLACE, from Lanark, for the total Abolition of the Corn-laws; from St. John's, Westminster, for the cheaper administration of the Post-office, and for the adoption of Mr. Rowland Hill's plan.—By Mr. SHAW, from the Corporation of Dublin, praying that their rights might be protected in any Bill brought in on the subject of Irish Municipal Corporations; and from Galway, against the present system of National Education.—By Sir R. INGLIS, from the Archdeacon and clergy of Durham, against the annexation of the Bishopric of Sodor and Man to the See of Carlisle.

FOREIGN POLICY, SPAIN, ADJOURNED DEBATE.] The Order of the Day for resuming the adjourned debate on the motion of Lord Eliot having been read, and no hon. Member having risen to address the House,

The *Speaker* rose, and having read the motion, put the question. There was a call of Aye from the opposition Members, and a call of No, from the ministerial side of the House. The Speaker said, I think the Noes have it. Some Members on the Opposition benches exclaimed "the Ayes have it."

Strangers were ordered to withdraw. There ensued immediately considerable confusion in the House as so sudden a division on this great party question was wholly unexpected.

The House divided :—Ayes 62; Noes 70 :—Majority 8.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Arbuthnot, hon. H.
Bailey, J.
Baillie, Colonel
Baker, E.
Barneby, J.
Blair, J.
Bramston, T. W.
Broadwood, H.
Brownrigg, S.
Bruges, W. H. L.
Burdett, Sir F.
Cartwright, W. R.
Clive, Viscount
Cole, Viscount
Colquhoun, J. C.
Darby, G.
Douglas, Sir C. E.
Duncombe, hon. A.
Egerton, Sir P.
Egerton, Lord F.
Estcourt, T. G. B.
Estcourt, T. H. S.
Filmer, Sir E.
Gaskell, James Milnes
Gibson, T.
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Grimsditch, T.
Halse, J.
Harcourt, G. G.
Hodgson, R.
Holmes, hon. W. A'C.
Inglis, Sir R. H.
Irton, S.
Lefroy, right hon. T.
Litton, E.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Viscount
Master, T. W. C.
Maunsell, T. P.
Milnes, R. M.
Nicholl, J.
Pakington, J. S.
Palmer, G.
Parker, M.
Round, C. G.
Rushbrooke, Colonel
Shaw, right hon. F.
Smith, A.
Sugden, rt. hon. Sir E.
Vere, Sir C. B.
Verner, Colonel
Whitmore, T. C.
Wyndham, W.

TELLERS.

Freemantle, Sir T.
Lascelles, hon. W. S.

List of the NOES.

Ainsworth, P.
Ball, N.
Bannerman, A.
Barnard, E. G.
Blackett, C.
Blake, W. J.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Butler, hon. Colonel
Chalmers, P.
Craig, W. G.
Curry, W.
Hodgson, F.
Davies, Colonel
Dennistoun, J.
Duff, J.
Duke, Sir J.
Duncan, Viscount
Dundas, Captain D.
Ellice, Captain A.
Ellice, E.
Euston, Earl of
Evans, Sir D. L.
Evans, W.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Grattan, H.
Grey, Sir G.
Hawes, B.
Hayter, W. G.
Hindley, C.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Kinnaird, hon. A. F.
Lemon, Sir C.
Lushington, C.
Marshall, H.
Maule, hon. F.
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Brien, C.
O'Callaghan, hon. C.
Palmer, C. F.
Parker, J.
Parrott, J.
Pendarves, E. W. W.
Phillips, G. R.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pryse, P.
Roche, W.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Standish, C.
Style, Sir C.
Tancred, H. W.
Thorneley, T.
Turner, W.
Wallace, R.
White, A.
Wood, C.
Wrightson, W. B.

TELLERS.

Stanley, E. J.
Steuart, R.

THE UNEXPECTED DIVISION.] On the gallery being opened,

Lord *Mahon* was addressing the House, I rise, he said, for the purpose of putting it to the noble Lord opposite, whether the late division has not been the result of a misunderstanding on both sides of the House. I think it could not have been the intention of either party to come to a division at this period of the evening, before any hon. Gentleman had spoken; and not doubting but that both parties desire to act fairly, I would ask the noble Lord what course it would be better to adopt under the circumstances.

Lord *J. Russell:* the noble Lord appeals to me. All that I feel myself called on to say in reply to the noble Lord is, that I am quite ready to concur with him in his opinion that there was no intention on either side of the House to act with any unfairness on this occasion. With respect to any course to be pursued, I beg to say, I have nothing to do with it.

Lord *Mahon:* I would ask the House whether it be not competent to any Member—whether it would be inconsistent with the rules of the House—to introduce the motion again with a verbal alteration. The circumstances of the present case are very peculiar. It is evident hon. Gentlemen have been taken by surprise. The motion was a very important one; it involved the foreign policy of the Government, and particularly the conduct of the noble Lord as Secretary of State for Foreign Affairs. Now, that noble Lord was not in his place when the division occurred; and inasmuch as it is not usual to attack any Gentleman in his absence, I think it would not be showing the proper courtesy to the noble Lord to allow this question to be finally disposed of by such a decision as the House had come to.

Sir *G. De Lacy Evans:* the noble Lord, I think, makes a considerable mistake in the description he gives of the nature of this question; I am also of opinion that the delicacy he would observe towards the noble Lord, the Secretary for Foreign

Affairs is much misplaced. The attack was directed, not against him, but against me. On my own account I regret most particularly that the debate has thus terminated. I intended to speak on the subject, if the dicussion had continued, and I had communicated my intention to some of my hon. Friends, but I was unwilling to be the first to rise this evening, because, after the powerful speech which was made last night by the hon. and learned Member for Tipperary, I naturally expected that one of the hon. Gentlemen on the other side of the House would attempt a reply. As it is, I have only to say, that I think the motion was ridiculous in its commencement, and it has had a very suitable termination.

Lord F. Egerton rose to say a few words in explanation. [" *Order.*"]

An hon. Member: Is there any question before the House?

Lord *F. Egerton* again attempted to speak, but could not obtain a hearing.

Lord *John Russell* moved, that the Orders of the Day be now proceeded with.

A voice: They have been disposed of.

Lord *F. Egerton* conceived, that he was perfectly in order. He begged to say, that for his part he was totally unaware that the question had been put, as he believed was also the noble Lord opposite. The hon. and gallant Officer was in error, in supposing that the motion was directed against him personally. It certainly was intended to question the propriety of some of the proceedings with which he was connected, but it was intended to attack the policy of the noble Lord. He considered it from the first a party attack, if they pleased so to call it; he should say it was a Parliamentary attack on the Government of the hon. Gentlemen opposite. He had felt inclined to address the House on the question, and he was still disposed to do so if he had the opportunity; but his observations would have been directed to the speeches of the three Gentlemen connected with the Government, who last night addressed the House with all that ability which was known to distinguish them. [Cries of " Order," and " Question."]

Lord *John Russell* wished to ask if the motion he had made were not regular.

The *Speaker* said, the House having gone through the Orders of the Day, the hon. Member for Worcester had risen for the purpose of moving the first of the motions, which was, that Sir Eardley Wilmot be discharged from attendance on the Highway Act Committee, and Mr. Pakington be placed on the Committee. The hon. Member, however, was prevented from making his motion, by the noble Lord, the Member for Hertford, having risen to address the House.

Lord *John Russell* said, if there were a motion before the House he could have no objection to proceeding with it; but, if not, he should move, that the House do now adjourn.

The *Speaker* put that motion.

Lord *Mahon* wished, with the permission of the House, and he hoped, with the concurrence of the noble Lord, to give the House an opportunity, and those hon. Gentlemen who had not yet come down to it, of deciding more fully that question on which they had divided. He put it to the House, whether it were not desirable, on a question of this importance, that there should not be a decision taken by surprise. If, then, it were not inconsistent with the rules of the House, he would move, as an amendment on the question, that the House do now adjourn, the identical motion which was previously moved by his noble Friend.

Lord *John Russell* doubted, whether such an amendment would be in order.

The *Speaker* gave his opinion against the amendment of the noble Lord.

Lord *Mahon* said: Then with the permission of the House, he would make a slight alteration in the motion. He and his hon. Friends had been taken by surprise.

An *hon. Member* said, it would be most unfair to proceed with the debate: many hon. Members had gone away, thinking that it was at an end.

Mr. *Hawes* said, when the noble Lord opposite talked of having been taken by surprise, he must reply, that if any party had been taken by surprise, it was the Members on his (the Ministerial) side of the House. They were taken entirely by surprise. [" *No!* "] He spoke for himself and the Members who were sitting around him. They were greatly perplexed when they found that the division was about to take place; he, for one, was in doubt how he should vote, and there were many near him who did not know how to act. This was certain, that the division was forced on the House by the hon. Gentlemen opposite. [" *No, no!* "] He contended that the Members on his side of the House had no right to expect that the next speaker would not rise from the Opposition benches. The debate being terminated last night with the brilliant speech of the hon. and learned Member for Tipperary, they had a right to suppose that some one would attempt to answer it on the other side of the House, and they were perfectly astonished by the hon. Gentlemen opposite forcing them to a division by saying, when the Speaker had declared what he believed to be the sense of the House, that the "ayes" had it. He imputed no improper intentions to the hon. Gentlemen opposite, in regard to the course they took; it might have been accidental; but he was certain of this, that if there existed any fault it was on the Opposition side.

Mr. *Goulburn* said, the Speaker having declared that "the noes have it," he felt that he had no choice but to consent to the rejection of the measure or to assert, as he certainly had asserted, "the ayes have it." He, however, did not say, "the ayes have it," until the moment came when if he had abstained from saying so the motion must have been lost. The fact was, that the hon. Gentleman on his side who was to have renewed the debate had absented himself from his place, and some accident had prevented his returning to it in time. It was an accident, it was not; that the Gentlemen on his side of the House had pressed on a division.

Lord *John Russell* thinking it very advisable to avoid anger on a point on which it was not at all called for, rose for the purpose of again stating that he did not believe there was the least intention on either side to take an unfair advantage. It was naturally expected by himself, and those with whom he acted, that after the brilliant speech made by the hon. and learned Member for Tipperary last night, some hon. Gentleman on the other side of the House would open the debate this evening. The right hon. Gentleman had, however, stated the reason why that course had not been pursued. The whole, then, appeared to be unintentional and no party was to blame for what had occurred.

The *Speaker* put it to the House, whether he did not give every opportunity in his power for the resumption of the debate? So far as depended on him, he was extremely desirous to assist the House. Whatever the inconvenience of protracted debates might be to him, he was not conscious of having allowed at any time mere personal consideration to interfere with the progress of the public business.

Mr. *Goulburn*, after the appeal made to the House by the Speaker, begged to say, that he, for one, had not the slightest intention of casting any imputation on the right hon. Gentleman. Undoubtedly he put the question fairly. [Cries of "twice, twice!"] Hon. Gentlemen said "twice!" but he did not hear it the second time. The fact was, that those hon. Gentlemen who intended to speak did not come down to the House in time, having concluded that other questions would have occupied the House for a longer period.

Lord *Eliot* had certainly intended, by his motion, to cast censure upon the Government with respect to their policy towards Spain, and if possible to elicit such an expression of the feeling of the House as might induce them to change it. It was impossible that a question of such gravity could be got rid of in such a manner; and he trusted that the debate would be allowed to go on upon the question of adjournment, or that the same motion, with some verbal amendment, might be allowed to be put.

Colonel *Davies* said, the question had been entirely disposed of, and he remembered a case of a similar nature which occurred when the question of Parliamentary Reform was before the House. Besides, the House had decided the question upon two different occasions last Session. The question had been fairly put and fairly decided, and if the noble Lord wanted a trial of strength between the two parties, let him give a new notice of motion.

Mr. *Milnes* observed, that the question before the House was this, that if her Majesty's Ministers, and especially the noble Lord, the Secretary for Foreign Affairs, felt that the vote which had been come to was sufficient to justify him and them, then they on the Opposition side must bring the course pursued by her Majesty's Ministers to a more definite judgment.

Mr. *Morgan J. O'Connell* observed, that there was another question to be considered, and it was this, that if they took a course which was likely to revive a debate after the House had already divided upon the matter sought to be debated, whether they would not be setting a precedent which might afterwards be followed, and that would be attended with inconvenience if not with danger. He knew of many Members who had left the House, thinking that with the division the debate had been concluded. He was told, too, by hon. Members near him, that many Members had gone away, upon being told on their coming down to the House that the division had taken place. Precluded, as he was, at that hour from voting, by having paired off, he should still be anxious, if the debate were continued, to have the opportunity of recording his vote. He did not think, that upon such a subject hon. Members ought to be taken by surprise.

Sir *R. Peel* said, that if there had been surprise on the present occasion, he had been as much taken by surprise as any Gentleman in the House. He believed that the general impression on both sides of the House was, that the sudden termination of the debate was accidental; and that there was no intention in any quarter to take an unfair advantage by an unexpected division. He had come down to the House in expectation of a long debate; for an hon. Gentleman then present had called upon him at two o'clock, and told him that it was his intention to commence the debate of the evening at five, and he had come down in consequence at half-past five; when, to his great astonishment, he was informed that a division had taken place, and that the House had adjourned. He thought that, as the division which had taken place had not been expected at that hour by either side of the House, the best course for all parties to adopt was, to come to some amicable understanding on the subject. The question, it was quite evident, could not remain in its present position. He thought that the noble Lord at the head of her Majesty's Government, and more especially his noble Friend, the Secretary for Foreign Affairs, would insist upon the House coming to a more definite decision upon this question than could be inferred from a chance division upon an incomplete discussion. If the noble Lord would consent to such an arrangement, the House might proceed at once to take the discussion that night; but if the noble Lord objected to it, another course must be adopted—for instance, the noble Lord might permit the debate to be continued on Friday, or Monday, or upon some other early day, that might be most convenient. For his own part, he was ready to adopt either alternative, though he would certainly prefer proceeding with the discussion at once, as in all probability it would be finished that night. If, however, technical objections were to prevail, and they must begin with the question *de novo* after a regular notice had been given, they would have a fresh discussion, which would last for three or four nights.

Mr. *C. Buller* felt it necessary to offer one or two observations to the House, in consequence of what had just fallen from the right hon. Baronet, the Member for Tamworth. If this question had been a question of practical importance—if it had been a question on which the future policy of this country had depended—it might have been desirable for the Government to have obtained a definite opinion upon it from the majority of the House: but he could not understand the question as one having any practical bearing or importance whatsoever. It was a mere party question, brought forward by hon. Gentlemen opposite with no view to any useful practical object. The only practical object which it could have in view was doubtless very honourable to the gentlemen opposite—for it was that of turning out the present Ministry and installing themselves in the places so vacated. It was nothing more than a mere empty vote of censure on her Majesty's Government. It being, then, a mere party question [" *No, no,*"]—it was all very well for his hon. Friend the Member for Pontefract (Mr. Milnes) to cheer that assertion, as he was probably the hon. Member to whom the right hon. Gentleman near him (Sir R. Peel) had just paid so very extraordinary a compliment. [Mr. *Milnes*, No.] He was glad to have extracted this disclaimer from his hon. Friend, for even before it was uttered he was inclined to believe, that the right hon. Baronet had too much good taste to pass such a compliment upon any person of such talent and ability as his hon. Friend the Member for Pontefract. [" Question,"] Gentlemen might call " question," but he must say, that the right hon. Baronet had an odd way of encouraging his friends, when he informed the House that one of them had called upon him at 2 o'clock to tell him that he intended to commence the debate by a speech at 5 o'clock and that, in consequence, he had not come down till half an hour after that time. If it were not an ill-bred question, he would ask the right hon. Baronet who that hon. Member was whose speech he had so purposely avoided. [" Question"] Well, then, he would advert more particularly to the question, and would observe, that the public business ought not to be impeded by the surprise which had occurred that evening, nor ought the regular course of their proceedings to be interrupted because hon. Gentlemen had been absent from either neglect or inadvertence. Whose fault, he would ask, was it, that the question had been so summarily disposed of? Clearly that of the hon. Gentlemen opposite. If hon. Gentlemen, who brought forward a question which had no other practical object than the expulsion of Ministers from office, were not present when that question came to a division, they were not entitled to call upon the House to relieve them from the effects of their own carelessness and blundering. He did not know whether he was peculiar in his notions, but this he must express to be his opinion—namely, that all these debates on the foreign policy of the country were perfectly nugatory and useless; and for his own part he had no wish to hear anything further on the subject of Spain at all. He should certainly blame the noble Lord at the head of the Government if he gave way in the slightest degree that night to the insinuations and solicitations of the noble Lord on the opposite benches.

Lord *John Russell* observed, that certainly it was unfortunate that the hon. gentleman who had promised to open the debate of that evening with a speech had not arrived in the House at five o'clock, and that the right hon. Gentleman to whom he had communicated his intention had not arrived till half an hour after that time. With respect to the question itself, he partly agreed with, and partly disagreed from, the observations of his hon. Friend the Member for Liskeard. It might be said with regard to one part of that motion, that the question was not of sufficient practical importance to justify the re-opening of the debate, as it had been stated last night very distinctly that the renewal of the order in Council was not now in the contemplation of Government. But with regard to the other part of it, which involved a vote of censure on the Government for its past policy towards Spain, he must say, that that was a question which could not be considered as a question merely affecting party, for the result of it, if carried, would be of considerable importance both for England and for Spain, and even for Europe at large. Therefore it was, that he could not assent to the assertion of his hon. Friend the Member for Liskeard, that the motion of the noble Member for East Cornwall was one of no practical bearing or importance. With regard to the resumption of the debate, he must say, that it appeared to him that the House would be establishing a dangerous precedent if it once permitted an old debate to be renewed by bringing it forward the second time in a different shape. He knew that many hon. Members who had been present at the division had left the House under the impression that the question had been decided, and it would be difficult to say who those Members were, where they were to be found, and whether they would be able to return to the House that evening. He mentioned these circumstances as well worthy their attention in considering what their proceedings ought to be with regard to the renewal of this debate. There was, however, one consideration in favour of that proposition, which he confessed was with him paramount to all others, and that was, that the noble Lord who had brought forward the motion had brought it forward a a vote of censure on her Majesty's Government; and for his own part he did not like to appear to shrink from the discussion of it—no, not even for a single minute. He was quite ready to meet the question, if the House was disposed to discuss it. He entertained no more fear of the result of the debate upon it in the present Parliament than he had entertained respecting it in the last Parliament, of which the noble Lord had not been a Member. If it could be done conformably with the rules and orders of the House—if the question, having once been decided, could be put again, and could be debated again, and settled that night, he should have no objection to such an arrangement. Such a course would be most conformable to the wishes of her Majesty's Ministers, and would be most consistent with their characters. He thought, that he had a right to ask the House this, that if no injurious precedent were set, they would allow a question affecting so seriously the character and policy of the Ministers to be deliberately decided upon that evening.

Mr. *Villiers* had met a dozen Members at least, as he came down to the House, who had left it for the night under the impression that the question had been decided. A fresh division, under such circumstances, would be no adequate test of the judgment of the House.

An hon. Member accused the Opposition of having hurried this question to a division, under the notion that there was a majority of their party in the House. If that were not so, how came it to pass, that with so many practised speakers on their side present, not one could be found to say a word in support of the motion of the noble Lord? They had often spoken against time on former occasions; how happened it that there was not one of them able to speak against time now? He was convinced that, if they had not fancied that they had a majority present, they would never have gone to a division on this question at such an early hour.

Lord *Mahon* would persist in his amendment. He went along with the noble Lord in thinking that this was a question of great practical importance to Spain, to England, and to Europe, and he would state to the House the course which he in consequence intended to pursue. He would move an amendment identical in substance with the motion of the noble Lord, but different in its mode of expression. He then moved, that "An humble Address be presented to her Majesty, expressing to her Majesty the opinion of this House that the employment of her Majesty's subjects in the service of her Catholic Majesty, in consequence of the suspension by order in council of the provisions of the Foreign Enlistment Act, has not been of advantage either to the interests of this country or to those of Spain," and so on to the end of Lord Eliot's motion.

Lord *J. Russell* wished to mention a circumstance which was peculiar to the present case, and on which there ought to be a distinct understanding before the question was put. He understood, that many Gentlemen had paired on the motion on which the House had just divided. Now, it ought to be understood, before they went to a vote, whether those pairs were to hold good for the new motion, or were to be considered as entirely off.

The question was formally put.

Mr. *Barron* asked, whether it were in order that such a motion as the noble Member for Hertford had just proposed, should be then put? He asked, whether it could be put consistently with the rules which had been laid down at the commencement of the Session for the due consideration of notices of motions and orders of the day?

The *Speaker:* This is neither a motion nor a notice of motion. It is an amendment, and therefore can be regularly put.

Mr. *Hawes* supposed, that hon. Gentlemen on the other side of the House wanted a fair decision on the motion of the noble Lord. He supposed, that they did not wish to take the House by surprise or to obtain any undue advantage over their political opponents. He was ready to concede this much to the hon. Gentlemen opposite; but if they insisted in forcing on a fresh discussion upon that motion, after hearing the declaration of the hon. Member for Wolverhampton, that he himself had met at least a dozen Members who had left the House under the impression that it was decided, he should be inclined to retract the opinion which he had just expressed, and to unite their desire to force on a new discussion with that extraordinary surprise with which the House had been recently visited. He appealed to the Speaker, whether it were desirable that such a precedent as that now attempted, should be established for the future? If it were once set, there was not a single question on which a minority, after the main question was settled, might not again raise a discussion upon, by means of an amendment, identical in substance, but only different in expression. He felt as confident as the noble Lord below him (Lord J. Russell), that this motion, if re-opened, would lead to the same result as before. But even should his confidence be erroneous, he was sure that the hon. Gentlemen opposite would agree with him, that if the affirming of their resolution was to be of any worth to them, it must derive its value from the debate being conducted fairly, and from the decision being taken without surprise. He asked the Speaker, whether, in point of precedent, it would not be dangerous, after a question had been once decided, to re-open the main debate on the question of adjournment. If such a rule were established, it might afford a minority an opportunity of opening a new system of Parliamentary warfare, of which the hon. Gentlemen opposite might be the first to feel the effects.

Sir *R. Peel* was not to be deterred by the threats of the hon. Member for Lambeth from seeking to renew the discussion, which had come to such an unexpected termination. With respect to the observations of the hon. Member for Liskeard, who was the professed wag of the House, he had only to reply that he had been in his place in the House that afternoon before either the Secretary of State for Foreign Affairs or any other of her Majesty's Ministers. His Friend had told him that he should open the debate that evening at five o'clock, and he had come down to the House to reap the benefit of his observations. He did not expect that his hon. Friend would commence at five o'clock to the minute, nor did he anticipate, that private business would be terminated so precisely to the hour as it appeared to have terminated that afternoon. He had, nevertheless, reached the House at half past five o'clock, and, to his great surprise, found that the question had been decided. He was only anxious to do that which was right, and, therefore, if only two or three Gentlemen could be named who had left the House for the night, in consequence of the proceedings which had taken place, and of the mistake which had occurred on "our" side of it, he should say, regretting deeply the occurrence, that it was a decided objection to proceeding at present with the amendment of the noble Lord. But could not this debate be adjourned to Friday next? Could it not be taken to-morrow, and could not the slavery question be fixed for Monday? He did not think that the discussion on this amendment would last more than one night, if it were taken while the recent debate was fresh in all their memories. As it had been interrupted, it would lead to a great saving of time if it were resumed upon an early day. If the slavery question came on to-morrow, it would in all probability not take up more than one night's debate. The House was placed in a new and rather peculiar situation by the occurrence of that evening, and he thought that the most equitable course would be to resume the debate on Friday next. If the debate on slavery were not finished to-morrow it might be postponed till Monday next.

Mr. *French* objected to the course just proposed by the right hon. Baronet. He could not assent to this debate being adjourned to an Order Day. He had been waiting for three weeks for the second reading of a bill, which he had at length got fixed for the first Order Day. He had no objection to the discussion on this motion being renewed, but then it must not be in the way now proposed.

Mr. *Bernal* admitted, that nothing could be fairer than the proposition which the right hon. Baronet had just made to the House, but still he could not agree to it, as he was afraid that their assent to it would open a door to every species of irregularity. He therefore called upon the hon. Gentlemen opposite to consider this question as settled. [*Laughter.*] What did the hon. Member mean by his laughter? Had he said anything that was absurd, or proposed anything that was unjust? He was old enough to remember that on one occasion, when the question of reform was brought forward in that House by the Earl of Durham, then plain Mr. Lambton, the debate was adjourned, and that on the next evening at an early hour, a division was unexpectedly taken upon it, from which his Lordship and several other distinguished Gentlemen who took a great interest in the success of the motion, were unfortunately absent. Great disappointment was evinced by the absentees from the division, but no attempt was made by them to bring it forward again on the same evening. If the House yielded to the application now made to it he foresaw that, whenever any question went off rather by mishap, or by accident, or by the carelessness of those who brought it forward, there would be a constant succession of efforts made to renew the discussion upon it, and the time of the House would thus be wasted in debates which could lead to no useful, practical result. He was surprised at, and he was certainly not convinced by, the arguments which his noble Friend at the head of the Government in that House, had employed to persuade the House to permit this discussion to be renewed. Occupying the position which the noble Lord occupied, he would have evinced an unmanly spirit if he had not said what he had done, and if he had exhibited the slightest appearance of shrinking from the censure attempted to be passed upon himself and his colleagues in the Administration. But the rules of the House generally tended to good and beneficial results; and if they departed from them for reasons such as had been urged that evening, they would be laying a trap to catch all kinds of contingencies. He felt, that his advice, though it might be sneered at, was not absurd, and he knew that it would stand the test of experience. Influenced by these views, he should oppose any attempt to renew this discussion.

An hon. *Member* said, that as he had been so pointedly alluded to by the hon. Member for Rochester, he felt it necessary to say a few words in his own vindication. He hoped that all who knew him, would admit, that he was one of the last men in the world to connive at anything that had the appearance of a party or a paltry trick. He assured the hon. Member for Rochester, that he meant him no discourtesy by the laughter on which he had remarked. He had laughed because the hon. Member had gravely called upon the Members of the Conservative party to consider the question of Spain as fairly settled by the decision of that afternoon. If they were not permitted to renew the discussion on that question, it would not be considered, either by the House or the country, as fairly settled. It was an important question—it had that evening been decided by surprise, and after the course taken by the noble Lord opposite (Russell) he thought that it would be most unfair to the Government if the discussion upon it was not immediately renewed.

Lord *John Russell* only rose for the purpose of declaring, that it was his wish, if the debate were to be resumed at all, that it should be proceeded with forthwith. The right hon. Baronet had proposed that this question should come on again on Friday or Monday next. But he did not think that that would be convenient to the House. There were also reasons of public importance why the slavery question should be taken to-morrow, and decided, if possible, before Monday. He therefore could not agree to the adjournment of this question either to Friday or Monday. They must, therefore, either go on with the discussion now, or give a regular notice of motion on the subject. For himself, he would say, that his wish was, that the debate be proceeded with forthwith, no matter what inconvenience or injury Ministers might suffer from many Members having left the House without any intention to return.

Sir *R. Inglis* hoped, that his noble Friend, the Member for Hertford, would consent to withdraw his amendment. It was true that the House had been taken by surprise, and that its decision would not be so satisfactory as if it had been taken after the discussion had come to a regular termination. He felt, however, so strongly the arguments of his hon. Friend, the Member for Rochester, and also the argument which the hon. Member for Waterford had rested on the forms of the House, that he was extremely desirous that his noble Friend should not place the House in the difficulty in which it would be placed if he pressed his motion to a division. The motion of Lord Eliot, though not settled satisfactorily, had, he must admit, been settled practically by the division of that day. It was open to any Member who was dissatisfied with that decision, to bring forward the motion again on a regular notice.

Mr. *Lushington* said, that if the debate on Lord Eliot's motion were renewed, having voted on the question, he did not intend to give a second vote on it that evening.

Mr. *James* remarked, that he had met not less than from thirty to forty Members going from the House, and under such circumstances, it would not be fair to proceed with the debate.

Sir *R. Peel* remarked, that though the noble Lord was burning with anxiety to have a discussion, yet he did not agree to the proposition which had been made: and although the noble Lord agreed that the question could not remain as it was, yet he considered, for the advantage of the public service, it could not be proceeded with on Friday or on Monday, and then, on the other hand, the supporters of the Government generally were prepared to cast on his side of the House the imputation of bad faith if it were proceeded with that night. On the whole, then, he believed, where there was the chance of incurring the evil of such an imputation, and, above all, considering that in the contention of parties, good faith ought, above all things, to be preserved, then, he said, if hon. Gentlemen considered that it would be inconsistent with good faith to go on that night, and as they had it from the noble Lord that they must proceed with the slavery question to-morrow, his opinion was, that the debate ought not to be proceeded with that night, and he saw no alternative before them but a long interval occurring before the question could be decided. It appeared to him, then, that upon the whole the wisest course to be pursued was, to withdraw the amendment, and that a regular notice should be given for a future day.

Amendment withdrawn.

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